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ABSTRACT

The "Declaration of Indian Purpose" produced by the American Indian Chicago Conference in 1961 needs to be recognized and extended to meet the needs and common political concerns of American Indians today. This publication provides the complete text and the appendices to this earlier document, and includes papers in which Indian academics and tribal leaders discuss tribal government and tribal language in reference to the "Declaration of Indian Purpose." The original conference in 1961 provided a valuable forum for opposition to the policy of termination of tribal trust status, the articulation of Indian goals, and it has informed Indian affairs ever since. This document also includes the entire transcript of a 1987 public forum to identify and address certain new directions in "Indian Purpose," since 1961. Specific topics covered include tribal government; language, culture and the dissolution of tribal society; English in the Chicago Indian community; Indian education in Minnesota; sovereignty and intergovernmental relations; and an extended discussion of new directions in Indian education. (SKW)

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New Directions in Indian Purpose

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NAES College

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NEW DIRECTIONS IN INDIAN PURPOSE

General Introduction:

This volume is intended to recognize and recall the American Indian Chicago Conference of 1961. It includes and builds upon the original Declaration of Indian Purpose developed at the conference. It includes as well selected papers from NAES College seminars held in 1986, in which Indian academics and tribal leaders discuss tribal government and tribal language in reference to the Declaration of Indian Purpose, twenty-five years after its publication. Finally, it includes the entire transcript of a public forum organized by NAES and partially funded by the Illinois Humanities Council and the Illinois State Board of Education in an effort to identify and address certain new directions in "Indian Purpose," since 1961.

The American Indian Chicago Conference (AICC), brought some 460 Indian people together to address and articulate their common concerns. The conference was co-sponsored by the University of Chicago and the National Congress of American Indians. It was coordinated by Dr. Sol Tax, an anthropologist at the University. The final work of the conference was done entirely by Indian people: non-Indian scholars were available for consultation, but had no voice in the decisions made by conference participants. The American Indian Chicago Conference occurred at a critical time in federal-Indian relations, when the survival of tribes was seriously threatened by the federal policy of termination of tribal trust status. It provided a valuable forum for opposition to that policy and articulation of tribal and Indian goals.

The AICC was not the first inter-tribal conference to discuss and delineate common political concerns. The first occurred fifty years earlier when the Society of American Indians, a group of nationally prominent Indian people including Arthur C. Parker, Laura Cornelius, Charles Eastman, and Carlos Montezuma, met on Columbus Day in Columbus, Ohio. Like the AICC, that conference was co-sponsored by a university (Ohio State), and coordinated by a faculty member (Fayette MacKenzie of the Department of Sociology). The AICC was, however, unique in its size, scope, and impact. It served both tribal and Indian interests and provided support for the establishment of new inter-tribal organizations (Great Lakes Inter-tribal Council and the National Indian Youth Council) which continue as important organizations today. It led to the first inter-tribal newspaper, Indian Voices, which encouraged continuing communication among Indian tribes and individuals. The Declaration of Indian Purpose developed in the conference was presented to the president of the United States, John F. Kennedy. As an Indian view of Indian policy, it has informed Indian affairs ever since.

"What we ask of America is not charity, not paternalism, even when benevolent. We ask only that the nature of our situation be recognized and made the basis of policy and action.

"In short, the Indians ask for assistance, technical and financial, for the time needed, however long that may be, to regain in the America of the space age some measure of the adjustment they enjoyed as the original possessors of their native land."

These final sentences from the Concluding Statement of the Declaration of Indian Purpose are widely known and quoted. The rest of the document is considerably less well known. Consequently, we have included the entire document here, reproducing one of the original copies, to provide this resource for your tribe, community, or program.

CHAPTER 1:

The Voice of the American Indian

DECLARATION OF INDIAN PURPOSE

THE UNIVERSITY OF CHICAGO

JUNE 13-20, 1961

THE AMERICAN INDIAN PLEDGE

1. We are steadfast, as all other true Americans, in our absolute faith in the wisdom and justice of our American form of Government.

2. We join with all other loyal citizens of our beloved country in offering our lives, our property and our sacred honor in the defense of this country and of its institutions.

3. We denounce in emphatic terms the efforts of the promoters of any alien form of government to plant upon our shores or within any of our institutions the ideology or way of life which inflicts slavery, trial and punishment without the sanction of a jury, denies free speech, abhors free choice of religious worship, or through force and fear threatens the peace and safety of mankind.

4. At this critical hour of human history the American Indians arise as one in pledging to the President of the United States and to our fellow citizens our assurance that upon these principles we and our children shall forever stand.

Adopted by the AICC
June 19, 1961

INTRODUCTION

The American Indian Chicago Conference originated with Dr. Sol Tax, Professor of Anthropology, University of Chicago, who for many years has devoted a great amount of time to the study of North American Indians and their problems. It occurred to Dr. Tax that this was the appropriate time for Indians on a national scale to voice their opinions and desires. With promises of help from Dr. Nancy Lurie of the University of Michigan, and Robert Rietz, of the Chicago American Indian Center, he asked the University for sponsorship and sought Foundation funds.

The matter was brought to the attention of the annual convention of the National Congress of American Indians in November of 1960, with a proposal to review events which have occurred since the publication of the Meriam Report of 1928 and to bring the review up to date with recommendations for a new improved approach to Indian administration. The N. C. A. I., in conference assembled in Denver, agreed to endorse but did not sponsor the project.

A temporary Steering Committee, composed of Indians only, recommended and held a series of state and regional meetings of Indians preparatory to the Chicago conference. Dr. Tax and his staff of the University of Chicago, acting as a coordinating agency, reproduced the data and opinions and distributed them widely to Indians and the public as the meetings progressed. As a result some 460 Indians of 90 tribes gathered at the University of Chicago where committees began to assemble Indian thinking and to prepare preliminary drafts of a statement for the consideration of the entire conference. This report is the final result and recommendation of that conference.

ACKNOWLEDGEMENTS

The Indians of North America are deeply sensible of the value of the American Indian Chicago Conference which sat from June 13th to June 20th inclusive.

Also that the conference in which some 90 tribes were represented by over 450 delegates covering an area extending from the Bering Sea in the North, to the Keys of Florida including an area from Mexico, to the eastern shores of Canada, was made possible only because of the personal and financial support of

1. The University of Chicago, its professors and students; the hosts; the Fund for Adult Education; the Emil Schwarzhaupt Foundation; the Wenner-Gren Foundation for Anthopological Research; the Phelps-Stokes Fund; the Santa Fe Railroad and others providing financial aid in direct gifts and in reduced transportation rates to our delegates;

2. The regional pre-convention groups of friends throughout the nation;

3. Mayor Richard J. Daley of the City of Chicago who proclaimed June 13-20 American Indian Week and all of the city officials whose cooperation afforded us a warm-hearted welcome;

4. The various Indian Tribes whose progressive leaders appreciated the opportunity the occasion offered;

5. The various churches of all denominations who gave both financial and moral support;

6. Friends of Indians as individuals or as associates of organizations who contributed funds and attended the conference as observers and resource people;

7. The members of the several local groups resident in Chicago including University students who volunteered the thousands of hours of time as secretaries, guides, etc. without which no convention can function smoothly;

8. The National Congress of American Indians whose support from the first gave a favorable impulse to this event, and

9. Last but not least do we mention Dr. Sol Tax of The University of Chicago, and Dr. Nancy O. Lurie, his able assistant, and Robert W. Rietz and other associates for their vital direction of the entire project.

To all of these and the many others who rendered essential service, we the members who comprised the American Indian Chicago Conference, give our wholehearted thanks.

STATEMENT OF PURPOSE

WHEREAS: The American Indian Chicago Conference was conceived and developed by voluntary effort. The steering committee composed of American Indians assisted by the University of Chicago endeavored to secure the interest and support of all American Indians, and

WHEREAS: Interest developed and drew to the conference some 460 Indians representing 90 tribes, and bands throughout the nation.

Therefore: in order to give recognition to certain basic philosophies by which the Indian People live, We, the Indian People, must be governed by principles in a democratic manner with a right to choose our way of life. Since our Indian culture is threatened by presumption of being absorbed by the American society, we believe we have the responsibility of preserving our precious heritage. We believe that the Indians must provide the adjustment and thus freely advance with dignity to a better life. In order to accomplish the general objectives of the creed adopted at this conference, we the Indian People herein assembled adopt as official the report herewith attached this date June 20, 1961.

Mrs. Catherine Preebles
Chairman 6 of General Assembly
On June 20, 1961

Attested to by

D'Arcy McNickle
Chairman, Steering Committee

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CREED

WE BELIEVE in the inherent right of all people to retain spiritual and cultural values, and that the free exercise of these values is necessary to the normal development of any people. Indians exercised this inherent right to live their own lives for thousands of years before the white man came and took their lands. It is a more complex world in which Indians live today, but the Indian people who first settled the New World and built the great civilizations which only now are being dug out of the past, long ago demonstrated that they could master complexity.

WE BELIEVE that the history and development of America show that the Indian has been subjected to duress, undue influence, unwarranted pressures, and policies which have produced uncertainty, frustration, and despair. Only when the public understands these conditions and is moved to take action toward the formulation and adoption of sound and consistent policies and programs will these destroying factors be removed and the Indian resume his normal growth and make his maximum contribution to modern society.

WE BELIEVE in the future of a greater America, an America which we were first to love, where life, liberty, and the pursuit of happiness will be a reality. In such a future, with Indians and all other Americans cooperating, a cultural climate will be created in which the Indian people will grow and develop as members of a free society.

LEGISLATIVE AND REGULATORY PROPOSALS

In order that basic objectives may be restated and that action to accomplish these objectives may be continuous and may be pursued in a spirit of public dedication, it is proposed that recommendations be adopted to strengthen the principles of the Indian Reorganization Act and to accomplish other purposes. These recommendations would be comparable in scope and purpose to the Indian Trade and Intercourse Act of June 30, 1834, the Act of the same date establishing the Bureau of Indian Affairs, and the Indian Reorganization Act of June 18, 1934, which recognized the inherent powers of Indian Tribes.

The recommendations we propose would redefine the responsibilities of the United States toward the Indian people in terms of a positive national obligation to modify or remove the conditions which produce the poverty and lack of social adjustment as these prevail as the outstanding attributes of Indian life today. Specifically, the recommendations would:

(1) Abandon the so-called termination policy of the last administration by revoking House Concurrent Resolution 108 of the 83rd Congress.

(2) Adopt as official policy the principle of broad educational process as the procedure best calculated to remove the disabilities which have prevented Indians from making full use of their resources.

It has been long recognized that one Commissioner cannot give the personal attention to all tribal matters which they deserve. He cannot meet all callers to his office, make necessary visits to the field, and give full attention to the review of tribal programs and supporting budget requests. In view of these conditions, we most urgently recommend that the present organization of the Bureau of Indian Affairs be reviewed and that certain principles be considered no matter what the organizational change might be.

The basic principle involves the desire on the part of Indians to participate in developing their own programs with help and guidance as needed and requested, from a local decentralized technical and administrative staff, preferably located conveniently to the people it serves. Also in recent years certain technical and professional people of Indian descent are becoming better qualified and available to work with and for their own people in determining their own programs and needs. The Indians as responsible individual citizens, as responsible tribal representatives, and as responsible Tribal Councils want to participate, want to contribute to their own personal and tribal improvements and want to cooperate with their Government on how best to solve the many problems in a business-like, efficient and economical manner as rapidly as possible.

It is, therefore, recommended that:

1. Area offices be abolished and their authority be given to the agency superintendents.

2. The position of reservation Superintendent be strengthened to permit broader exercise of responsibility and authority to act on significant and important matters of daily operations of Indian problems, preventing undue delays.

3. Position qualifications require the employment of Superintendents with courage and determination, among other qualities, to help with local problems and be willing to make without further referral to higher levels, decisions commensurate with the delegated authorities.

4. The Superintendent be charged with the responsibilities of cooperating with the local tribal governing bodies in developing the Federal Program and Budget for that particular tribe or reservation.

RESOURCE AND ECONOMIC DEVELOPMENT

Due to the wide variation of economic status and geographical location of tribes, the needs of Indians vary. Consequently, it is necessary that careful consideration be given to the needs of each Indian community. Programs that may be good for one tribe of Indians may not necessarily achieve desirable results for another. Proper evaluation of Indian needs requires qualified field personnel who understand Indians, and, equally important, who are understood by Indians. It is the consensus of the delegates to the American Indian Chicago Conference that the following are the needs of the Indian people.

Economic Assistance: There is need for providing economic assistance to Indian tribes and their members by the establishment upon Indian reservations of industries and other activities which will provide employment and otherwise improve the economic status of Indians. Adequate staffing of this industrial development division of the Bureau of Indian Affairs is highly essential.

Legislative assistance including tax inducements, is necessary to accomplish this end. Also, states and other local agencies should be requested to lend encouragement and offer inducements to industries to locate plants and establishment on or near Indian reservations.

Indian participation in development programs: We believe that where programs have failed in the past, the reasons were lack of Indian understanding, planning, participation, and approval.

A plan of development should be prepared by each Indian group, whose lands or other assets are held in trust, whether such lands or assets are fully defined or not; such plans to be designed to bring about maximum utilization of physical resources by the dependent population and the development of that population to its full potential; such plans to be prepared by the Indians of the respective groups, with authority to call upon the agencies of the federal government for technical assistance, and the ultimate purpose of such planning to be the growth and development of the resources and the people;

That requests for annual appropriations of funds be based on the requirements for carrying into effect these individual development plans, including credit needs and capital investment, and the annual operating budget for the Bureau of Indian Affairs to include sufficient funds to cover the costs of preparing plans and estimates similar in operation to a Point IV plan.

That any transfer of services now provided by the United States for the benefit of Indians be jointly planned with the Indians.

Land Purchase Funds: The land purchase funds authorized by the Indian Reorganization Act should again be appropriated on an annual basis, to permit tribes to add to their inadequate land base, to purchase heirship lands and allotments on which restrictions are removed, and otherwise improve their economy.

That a concentrated effort be made to retain, rather than dispose of, Indian lands in order to allow the Indians sufficient economic units upon which to improve their economic conditions; and that administrative regulations and practices be reviewed, modified and amended to bring about such results.

Economic Development and Credit: There is need for adequate revolving loan funds so that the Indian will have full opportunity to take advantage of the potentials of his property.

Conclusion of Projects: Too often both the government and private agencies fail to provide sufficient continuity in funds or personnel to carry a program through to conclusion. Therefore all groups that wish to help Indians should plan to make their help sufficient and available over a long enough period of time to permit the successful conclusion of a project.

Indian Preference in BIA Employment: Preference to Indians in BIA employment should be reinstated and given encouragement. As recently as early 1961 Indian graduates of business schools have been counseled and urged by BIA to go to distant cities to use their newly-acquired training while at the same time BIA clerical positions were open in their home community agencies and were filled by non-Indian, BIA employees' wives or other relatives. Propaganda pressure on Indian graduates to go to distant cities should be stopped.

Force Account Method of Getting Construction Work Done by BIA: As one way of bringing additional employment opportunities to Indian reservations, the BIA should return to the force account method of doing construction work. The present policy of contracting construction jobs has withdrawn from Indians many valuable opportunities for on-the-job training and needed employment. Many persons who lost employment because of this change in policy over the last ten years have often been forced on federal or tribal relief assistance which has resulted in a greater total public burden than in the savings on construction jobs. When contracts for construction

projects are made on reservations they should include stipulations that the resident Indians be given preferential job opportunities and that they be exempt from union requirements to obtain and hold such jobs.

Where certain Indian-owned private businesses exist they too should be permitted on a negotiated contract basis such as dirt moving, construction, surveying etc. when force account is not attempted.

Service Contracts: The policy of contracting with private business to take over such functions as school lunch feeding, laundry and bakery services, and dairying should be discouraged and BIA should conduct these services where feasible as adult training programs.

Relocation Program: The volume of relocatees should not be an objective and large numbers exceed the ability of the relocation staff. The number should be determined not only by the job market, but by the ability of the office to provide continuing services to relocatees. Relocation personnel should be trained to give each client their utmost attention, and should not be under the pressure of large numbers.

Statements to Indians being relocated of what they will need, what services are available, how long they may have to wait for a job, that there may be periods of unemployment, etc., should be more clearly stated to the relocatee. A written statement should be given to each relocatee of his rights and privileges. Qualification of the proposed relocatee should indicate possible success of relocation effort.

The temporary housing for new families should be improved. At the time of arrival, there is the greatest sense of strangeness. And, the temporary housing should be as cheerful and as good as possible.

Welfare provisions for relocatees should be greatly increased. They are still inadequate to the needs of many families due to periodic unemployment. It is a waste of money to pay the way out for an Indian family only to have them return because of inadequate finances, or inadequate preparation. The Program should provide for adequate financial assistance to relocatees until such time as they are eligible for assistance from local agencies.

Self-relocated Indians should be provided employment aid by the Relocation Office.

Federal assistance in purchasing homes in the area should be made by a group which is independent of the Bureau. Indians elected from the area should be represented on this body. General publication should be made of financial transactions of relocation services.

BIA should re-cast the Relocation Program to include an adult education program. Counting success or failure in terms of those who stay relocated should be discontinued. The BIA should immediately review its program of financial assistance to take into full account the varying eligibility requirements for welfare assistance and other services by the several states and counties. Within reasonable limits relocatees should get their transportation paid to return home when adjustments to urban life prove too difficult; this would also serve to force better screening before relocatees are sent away from home, and sinking into the slum areas to live.

Job Opportunites: It is recommended that a special conference be held of federal and state employment agency personnel to develop employment opportunites for Indians, and to consider the particular problems of Indians in employment. Means should be provided by the federal and state governments to act upon the recommendations of such conference, enacting protective laws or measures as needed.

HEALTH

Federally provided health services for Indians began in the early 1800's under the War Department. The services passed from military to civilian jurisdiction in 1849 when Indian Affairs were transferred to the newly created Interior Department. Approximately two dozen of the treaties written during the 1800's committed the Federal Government to provide health services for certain tribes. Most of these treaties stipulated that such services would be provided for definite periods of time ranging from 5 to 20 years. Nevertheless, by 1900 a precedent had been established for continuing services to certain tribes under the so-called "gratuity appropriations".

The Bureau of Indian Affairs retained this responsibility until July 1, 1955, when it was transferred, by act of Congress to the U. S. Public Health Service in the Department of Health, Education and Welfare. Although the Indian health program has been transferred to U.S.P.H.S., this does not relieve the Federal Government, in general, and the BIA in particular, from fulfilling their moral and/or legal responsibilities in providing adequate and improved health services.

American Indians are citizens of the states in which they live, as well as citizens of the United States. Therefore they are entitled to a variety of health services through the programs of state, county and private agencies, but this fact is often not known to the Indians, and apparently it frequently is not known to the agencies that administer these programs. County, state and private agencies have patently discriminated against Indian citizens and refused them services on the grounds that Indians are the responsibility of the Federal Government. The Federal Government and the U.S.P.H.S. have the responsibility to provide more adequate services, to educate the other agencies and to insist that they provide those services, willingly adequately, and conscientiously. In this connection, this conference urges that U.S.P.H.S. resume responsibility for deciding eligibility for health services in the various states where the experience of leaving this to the state has been unsatisfactory and contrary to the policy as enunciated by U.S.P.H.S.; that it should be at least as liberal, if not more so, as the BIA had been in providing health services. County and state welfare authorities have often been miserly as well as discriminatory in granting eligibility for Indian health services. This may be due in part to slow administrative reimbursements to local private hospitals. Red tape for approval of payments should be minimized. (In some states it is reported that the welfare authorities have gone so far as to force Indians to dispose of their small land-holdings in order to qualify for welfare benefits and corresponding services.)

Some of the major factors contributing to Indian health problems today include isolation and dispersion of population; poor housing and sanitation; inadequate economic base; lack of acquaintance with accepted health practices and services; lack of employment; inability to develop existing resources. All contribute to living standards that are not conducive to good mental or physical health. Most illnesses and one-fifth of the deaths among Indians can be prevented. The average age at death in the Indian population is 40 years compared to 62 years for all races. The death rate for Indian infants is twice as high as compared to infant mortality in the general population. Fifty-two of every 1,000 Indian babies born alive die before reaching their first birthday, compared to 26 in the general population.

RECOMMENDATIONS:

1. Health Education

   A. Stress preventative medicine

   B. Promote maternal and child care and nutrition

C. Provide adult education relating to individual health, home, community, sanitation, nutrition, and housing.

2. Indian health services and eligibility for services should be based on Indian health needs and the availability of resources to provide health services, and not on title to land on which the Indian people live. This means that reservation, non-reservation, and off-reservation Indians should be included.

3. Health centers and hospitals near Indian communities must be maintained. The locations of new hospitals must be determined by joint decision of Indian and health authorities.

4. Dental services must be resumed and expanded.

5. Roads to facilitate emergency field services must be improved.

6. Field health services must be expanded. Many Indian reservations and communities are divided into small rural settlements and require more field nurses and physicians. The practice of using two-year draft doctors in Indian hospitals for internee training should be improved.

7. Where contracts are in force or contemplated with public and private hospitals and physicians, provisions must be made clear to these agencies that funds will be withheld unless terms and conditions are met in full.

8. Rehabilitation programs, school health programs, and clinics should be set up and properly maintained.

9. Problems in alcoholism must receive special attention.

10. Mental health programs should be initiated and properly supervised by qualified physicians in that field.

WELFARE

Because withdrawal of the United States Public Health Service in various areas has caused hardship to many Indians, an overall review and revision of the United States Welfare Policy should be made. Also it is important that reservation, non-reservation, off-reservation, and all other classifications of Indians be provided with adequate welfare benefits, and such legislation changes as may be necessary, be enacted.

Some states and counties are reluctant to help Indians because of their status as Indians or because of their living on non-taxable lands. They feel that Indian welfare is the responsibility of the federal government. Some counties, since they were not advised of transfers of services from federal to state government, find themselves confronted with financial responsibilities they cannot afford.

Many Indian people, due to unavoidable circumstances, are unable to maintain a decent and healthful standard of living and assistance may be denied because of the differing county eligibility requirements with respect to residency, land status or other income. Furthermore, many Indians are reluctant to seek aid because of the red tape and rigid welfare requirements and also because of the unfavorable Indian attitude of the welfare personnel.

Many needy Indians are excluded from the surplus food commodity program because they do not have the required storage facilities. Coordinated federal, state, and

county planning to provide storage facilities would permit these families to participate under this program; Indians in need of food are not able to finance such requirements. The surplus food commodity program should include a nutritional diet.

We urge the Bureau of Indian Affairs to obtain information on national norms of need (net income against size of family), a basic standard as to the definition of need, and the income needed to provide reasonable subsistence; that definition of need and, income be flexible enough to allow changes commensurate with rising costs of living. Should state and county welfare assistance programs not meet this minimum, then a federal grant of Indian assistance should be established in these cases.

Such grants will be considered sufficient when, if added to the county or state contribution, they would permit a reasonable subsistence compatible with health, well-being and decency. Such a plan of standardized norms will act as a safeguard against discrimination by welfare officials.

Private and non-governmental organizations providing services and relief should report to welfare offices so as to prevent duplication and provide a better distribution of the aid given from all sources.

HOUSING

The Indians aspire to possess good homes no less than do their neighbors. Some Indians are living in tarpaper shacks, wigwams, and homes without sanitary facilities, plumbing and running water, and in some areas condemned slums or company hovels.

These recommendations, predicated upon serious emergency conditions requiring immediate consideration and action, also look toward a continuing improvement in Indian living conditions.

In order to promote and protect the general welfare of the Indians, it is necessary that the Federal Government assist in providing improved home conditions in all communities where Indians live, by:

1. Removing unsanitary and substandard conditions through more generous and flexible interpretation of the Federal housing laws.

2. Insisting on the enforcement of existing housing standards. Indians should have equal consideration under existing laws. For example, Public Law 86-121 authorizes the Public Health Service to work with reservation Indians and Alaska Natives in constructing sanitation work, but it excludes Indian residents in towns, cities, and other Indian communities.

3. Extending long term credit at low interest rates to Indian families. Special funds should be made available to build low cost housing units for Indians in industrial areas and Indians residing on non-reservation land.

EDUCATION

We recommend that the task of the Indian Bureau be recognized as primarily educational in the broadest sense of the word. The Meriam Survey of over 32 years ago, is still a valid guide to action in the year 1961. We conceive education not only in terms of classroom teaching, but a process which begins at birth and continues through a life span. Of all the studies, surveys, and research made of Indians, the inevitable conclusions and recommendations are that education is the key to salvation of whatever ills may be, wherever Indians reside.

The first encompassing and formal education provided for Indians was authorized by statutory and treaty arrangements between Indian tribes and the federal government. Some tribes provided for their own school systems, financed out of tribal funds.

It would be well if all our children would avail themselves of academic training, but the truth is that only a few complete secondary schooling. The under-educated are of all ages. Lack of education limits our chances to qualify for skilled occupations. A general upgrading of education for Indians and a determined effort to discover and educate our ablest individuals is essential for all age groups.

RECOMMENDATIONS:

FEDERAL AND PUBLIC SCHOOLS

1. In public schools dropout rates are excessive, especially between the junior and senior high school ages, and attendance records are unbelievably poor. Therefore, proper guidance and supervisory programs must be re-examined and expanded. Where discrimination in public exists against Indian children, we recommend that it be abolished and these children be accepted in any school of their choice.

2. Recent emphasis on transferring Indian students from federal to public schools without careful evaluation of local situations should be discontinued unless after study with the local community it is determined that the transfer would benefit the students academically and socially.

3. Policy determining admission to federal schools must be re-examined and changed. Limiting attendance or reserving for specific tribes fosters discrimination against nearby Indians who need such facilities. Also enrollment of far away students which crowd local students out should be corrected.

When tribes have prior rights to federal schools, by virtue of offset payment, these rights must not be ignored.

Local tribes should be given preference in admission to the schools nearest them; however, when local Indians are accommodated, federal schools should accept all Indian students who wish admittance, regardless of tribe or residence in order to keep facilities operating at maximum benefit.

Since some federal schools have been closed to Indians juvenile delinquency in that area has been a growing problem. While these schools were open this was not the case. Precautions should be taken to prevent children being placed in sub-standard foster homes. It is preferred that they be enrolled in Federal Indian schools. Federal schools must be restored to full curriculum and junior colleges should be established in areas where considerable public and federally operated schools exist. Another federal school should be established to replace the Carlisle School long ago abolished. A federal Indian school should be established for the children of the Eastern region.

In order that good student-teacher and community relationships be promoted, personnel employed to teach in government schools should be selected on a basis of their interest in Indian students, their knowledge of Indian culture, and their willingness to live and participate in local community life. Salaries should be established at levels comparable to local public rates and recruiting and employment should be done in local competition.

Adequate counseling and guidance services should be made available to all Indian students. It is extremely important that Indian students be informed of all the educational opportunities and resources available to them as Indians and as American citizens. Too often Indian young people, capable of doing college work, are

going into vocational training programs because they lack information on finances available to them for college expenses, and they have had little or no counseling help. The teaching and supervisory personnel of the Bureau's education department and vocational training program, the relocation services, and the state education programs must work cooperatively in counseling Indian students. The present grant-aid program, administered by the Bureau of Indian Affairs, should be expanded to include all American Indian students including the off-reservation and non-reservation and all other Indians having the capacity for college work. Appropriations for the grant-aid program should be greatly increased to take care of the need of all qualified applicants. The present policy limiting grants only to students attending state-supported schools should be revised to enable the students to attend the college or university of their choice.

VOCATIONAL TRAINING

Vocational training programs should be available to all Indians--to reservation Indians, off-reservation Indians, non-reservation Indians--and any other Indian classification--with no age limit when the applicant qualifies. All vocational trainees coming to relocation areas under the Bureau of Indian Affairs program should be allowed to complete their course with subsistence payments, so long as they are making satisfactory progress. Only accredited schools should be used in the vocational training program.

ADULT EDUCATION

Since the transfer of the Extension Services to states has been unsatisfactory in some areas, a department of extension should be reestablished in the Bureau of Indian Affairs. In order to provide more effective educational opportunity, these services should be evaluated and expanded to meet the needs and interests of the people involved.

ON-THE-JOb TRAINING

Provide C.C.C. type on-the-job and on-the-farm training for both adults and youths. A youth conservation corps may help to solve the problem of juvenile delinquency. It would give young people jobs to keep them occupied, spending money, supervision and skills that could be useful on their home reservation or elsewhere.

SCHOOL LUNCH PROGRAMS

The school lunch program should be made available to all elementary and secondary Indian students.

SPECIAL CLASSROOMS

Because of the need for special classrooms for the exceptional and retarded children on reservations it is recommended that these be provided.

LAW AND JURISDICTION

In view of the termination policy and particularly Public Law 280, many Indian people have been vitally concerned and fearful that their law and order systems will be supplanted, without their consent, by state law enforcement agencies which, perhaps, might be hostile toward them. In U.S. v. Kagama (1885) 118 U.S. 375, 383, the Court, speaking of Indians, said:

"They are communities dependent on the United States; . . .; dependent for their political rights. They owe no allegiance to the States, and receive from them

no protection. Because of the local ill feeling of the people, states where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and treaties in which it has been promised, there arises a duty of protection, and with it the power."

That statement by the Supreme Court is considered to be as true today as when written.

The repeated breaking of solemn treaties by the United States has also been a concern which is disheartening to the tribes and it is felt that there is no apparent concern by the Government about breaking treaties.

RECOMMENDATIONS

1. Return of Indian Lands: We urge the Congress to direct by appropriate legislation the return in trust of that part of the Public Domain formerly owned by an Indian tribe or nation which the Secretary of Interior shall determine to be excess and non-essential to the purpose for which such land was originally taken or which was covered by a reversionary clause in the treaty or cession or other lands declared to be surplus to the government's needs. Restore all Indian lands that were consumed by termination policy.

2. Indian Claims Commission: We urge that Congress ascertain the reasons for the inordinate delay of the Indian Claims Commission in finishing its important assignment. The Congress should request the views of the attorneys for the tribes on this in order to balance the views already expressed to Congress by the attorneys for the United States.

The woeful lack of sufficient personnel to handle the case load in the Justice Department, we believe, is the sole cause for the delay, so damaging to the tribes, in expediting the Commission's work.

The law clearly directs that each tribe be represented by counsel and there would seem to exist no possible reason why the Justice Department should not be required to increase its personnel in the Indian Claims Section of the Lands Division to remove this just criticism. Simple justice suggests that this be speedily done or else irreparable damage to the tribes will result. We believe the Congress will want to correct this situation as promptly as possible.

3. Title to Reservations: The Secretary of the Interior, if he has the authority, or the Congress should act to determine the legal beneficiaries of reservations created under the Indian Reorganization Act or other authority for "Landless and Homeless Indians," also reservations established by executive order or prior act of Congress, where the naming of the beneficial users has been left indefinite or ambiguous. As Indians improve such lands, or as mineral wealth or other assets of value are discovered, ownership is in jeopardy unless clearly defined.

4. Submarginal Lands: Submarginal and other surplus lands adjoining or within the exterior boundaries of Indian reservations and purchased for the benefit of the Indians, should be transferred to the tribes under trust.

5. Land Purchase Funds: The land purchase funds authorized by the Indian Reorganization Act should again be appropriated on an annual basis, to permit tribes to add to their inadequate land base, to purchase heirship lands and allotments on which restrictions are removed, and otherwise improve their economy.

6. Voting on the Indian Reorganization Act: Amend the Indian Reorganization Act to permit tribes to vote on its acceptance at any time.

7. Protect Indian Water Rights: Adopt legislation to protect all Indian water rights of Indian reservations against appropriators who, because the government may be negligent in providing for Indian development, are able to establish a record of prior use.

9. Heirship Lands: Adopt a manageable and equitable heirship lands bill.

10. Amend P.L. 280: Amend P.L. 280 (83rd Congress) to require Indian consent to past and future transfers of jurisdiction over civil and criminal cases to the state in which a reservation is located, and to permit such transfers to take place, with Indian consent, on a progressive or item by item basis.

11. Reservation Boundaries: In order that Indian tribes may be properly protected in their reservation and may proceed with the orderly development of their resources, it is recommended that authority, if required, and funds be appropriated for the immediate survey and establishment of reservation boundaries.

TAXATION

Grave concern has arisen as a result of the recent rulings of the Bureau of Internal Revenue which in substance directly violate the solemn treaty obligations made with the American Indian.

In fact, within the past few years, there has been a steady trend by both the federal and state taxing departments to encroach upon the rights of the Indian in the taxing of Indian property.

Recently, the Bureau of Internal Revenue has boldly claimed that it has the right to levy upon and collect income taxes upon income received by Indians which is derived from the sale of livestock grazed upon restricted Indian lands. Already the Internal Revenue Service has levied upon, assessed and collected income taxes upon income received from restricted Indian production.

The taxing department of the federal government has arbitrarily made these rulings which are wholly contrary to the solemn provisions of the treaties made with the American Indian. These rulings have been made and are being enforced notwithstanding the fact that it was never intended that the Indian was to be taxed in any manner upon his restricted Indian lands, or upon the income derived from the same.

In fact the greater amount of Indian lands located in the western part of the nation are dry and arid lands and suitable for grazing purposes only. In other words, the Indian is by nature restricted as to the use of his lands since the same can only be used for grazing purposes.

Therefore, in order to further prevent the establishment of such arbitrary rules of the Bureau of Internal Revenue, and to correct the rules already existing, we deem it necessary that legislation be enacted which will clearly spell out the intent and purposes of the existing treaties and agreements made with Indian tribes. Specifically, a clear statement must be made by law that income received by an enrolled member of an Indian tribe, which is derived from tribal, allotted and restricted Indian lands, whether by original allotment, by inheritance, by exchange or purchase, or as a leasee thereof, while such lands are held in trust by the United States in trust, is exempt from Federal and State income taxes.

TREATY RIGHTS

It is a universal desire among all Indians that their treaties and trust-protected lands remain intact and beyond the reach of predatory men.

This is not special pleading, though Indians have been told often enough by members of Congress and the courts that the United States has the plenary power to wipe out our treaties at will. Governments, when powerful enough, can act in this arbitrary and immoral manner.

Still we insist that we are not pleading for special treatment at the hands of the American people. When we ask that our treaties be respected, we are mindful of the opinion of Chief Justice John Marshall on the nature of the treaty obligations between the United States and the Indian tribes.

Marshall said that a treaty ". . . is a compact between two nations or communities, having the right of self-government. Is it essential that each party shall possess the same attributes of sovereignty to give force to the treaty? This will not be pretended, for on this ground, very few valid treaties could be formed. The only requisite is, that each of the contracting parties shall possess the right of self-government, and the power to perform the stipulations of the treaty."

And he said, "We have made treaties with (the Indians); and are those treaties to be disregarded on our part, because they were entered into with an uncivilized people? Does this lessen the obligation of such treaties? By entering into them have we not admitted the power of this people to bind themselves, and to impose obligations on us?"

The right of self-government, a right which the Indians possessed before the coming of the white man, has never been extinguished; indeed, it has been repeatedly sustained by the courts of the United States. Our leaders made binding agreements--ceding lands as requested by the United States; keeping the peace; harboring no enemies of the nation. And the people stood with the leaders in accepting these obligations.

A treaty, in the minds of our people, is an eternal word. Events often make it seem expedient to depart from the pledged word, but we are conscious that the first departure creates a logic for the second departure, until there is nothing left of the word.

We recognize that our view of these matters differs at times from the prevailing legal view regarding due process.

When our lands are taken for a declared public purpose, scattering our people and threatening our continued existence, it grieves us to be told that a money payment is the equivalent of all the things we surrender. Our forefathers could be generous when all the continent was theirs. They could cast away whole empires for a handful of trinkets for their children. But in our day, each remaining acre is a promise that we will still be here tomorrow. Were we paid a thousand times the market value of our lost holdings, still the payment would not suffice. Money never mothered the Indian people, as the land has mothered them, nor have any people become more closely attached to the land, religiously and traditionally.

We insist again that this is not special pleading. We ask only that the United States be true to its own traditions and set an example to the world in fair dealing.

INDIANS TO BE SERVED

The United States has long followed a policy of turning its back on Indians who are not physically in residence on a federally established reservation. Such a policy fosters the illusion that the Indian population is smaller than it actually is, but

a more serious consequence is that it also perpetuates the illusion that the problem of assisting Indians is less than it is. The Bureau of Indian Affairs has even been known to take credit for those non-assisted Indians as examples of its accomplishment in promoting "assimilation." With the exception of some few individuals, these Indians, as they and their white neighbors know only too well, have not been assimilated; they have only been forgotten.

Even the most cursory examination of the history of these off-reservation or non-reservation Indian groups must reveal how callous and unjust this policy has been in practice.

We cite several general categories of historical development to illustrate the situation in which many Indians find themselves:

Indian families or bands or parts of bands remained in their historic homelands when the main body of the tribe moved, sometimes by force, to a reservation established by treaty, agreement, executive order or Act of Congress. The reasons were various and do not matter at this date, but generally the Indians who remained behind or drifted back did so because (a), the treaty, agreement, or Act of Congress permitted heads of families to take up allotments in their former domain, or (b) band leaders refused to give consent to a treaty or agreement and were in effect cut off from the main body of the tribe.

EXAMPLES: The Winnebago Indians in Wisconsin; Ottawa in Michigan; Pottawatomi in Michigan and Wisconsin; Sioux in Minnesota.

The reservations created for tribes and bands were either totally inadequate as an economic base, or the Indians were permitted and even encouraged to dispose of large segments of an established reservation without taking into account the future land needs of the tribe. The children and grandchildren of these tribes have never had land of their own, except as they have inherited uneconomic fragments, and have no recourse other than to seek employment away from home. Most of the allotted reservations of the Plains states and the Northwest are in these related situations.

The most glaring examples of an inadequate reservation base:

Turtle Mountain Chippewa in North Dakota; Rocky Boy of Montana (landless Chippewa and Cree); Stockbridge and Munsee of Wisconsin; Sauk and Fox of Iowa; Kickapoo, Pottawatomi, Iowa, and Sauk and Fox of Kansas; the Omaha; Ponca, Santee, and Winnebago of Nebraska; the Choctaws of Mississippi; and all the rancherias and missions of California.

A few examples of tribes that were encouraged to share their lands with white settlers which resulted in pauperizing themselves are:

Sisseton Sioux of South Dakota, Fort Totten in North Dakota, and the Chippewa bands of Minnesota.

The relocation program which the Bureau of Indian Affairs has promoted since 1950 continued and indeed expanded the injurious policy of moving Indians prematurely out from under federal responsibility. Inadequate economic opportunities at the local and reservation level make impossible a really free choice, and relocation is often in fact forced; then if trouble comes to the family, the Federal government is no longer responsible.

For all of the above reasons, it is apparent that the whole matter of Indians living away from an established reservation needs to be reviewed by Congress and the American public to determine what programs, what legislation, what private action by churches, citizen groups, or other interested bodies should be taken to correct

the conditions in which Indians live. Mention has not been made in the above categories of the situation of those Indian groups, mostly in the East and the South, for whom no lands were ever reserved under federal law and for whom no federal services have ever been provided. Yet they remain Indian, and they remain isolated.

We say emphatically that problems of health, education, economic distress and social non-acceptance rest as heavily on all the Indians in these categories as they do on the reservation Indians, and possibly more heavily.

Therefore, in all the Recommendations herein, it is to be understood that even where non-reservation or off-reservation Indians are not specified, it is our purpose to insist that their needs be taken into account.

Because of the increasing contact of Indian people with the urban communities, it is important to encourage the development of urban Indian Centers where these are needed. Because of cultural differences between Indian and non-Indian society, these urban centers can function best if their operation is the responsibility of the Indian people themselves. It would be a great error to see these centers as places where things are done to Indians and for Indians "for their own good" as so much of our past Indian affairs have been carried out. In the same way that local reservations and other Indian communities need to retain their autonomy and responsibility, the urban Indian center organization should be in the hands of the Indian people it presumes to serve.

Because of the extreme difficulty in raising necessary funds for such centers, and because this reservation-city movement is a definite part of the general American Indian scene, the urban center should receive adequate subsidy from the federal government. The Indian center should qualify for such grants by meeting the accepted standards of program as set out by their local urban community, and the federal government should not extend its influence and control into such agencies.

INDIANS AND NON-FEDERAL AGENCIES

Local governments, churches, missionary groups, and private organizations have from the early days made important contributions to education, medical care, welfare, and political advancement in behalf of the Indian people. But since the primary and legal responsibility in these matters rested in the federal government, the activities of all other groups have tended to stay on the edge. Universities and scientific organizations interested in the Indian people have tended in the past to confine their studies to theoretical matters, since they were almost never called upon by the federal agency to study and make recommendations on specific problems affecting the Indian people.

It is hoped that in the future there will be more joint undertakings by government and private agencies. Trusteeship responsibility need not be abandoned in order to encourage increased participation by groups and individuals outside of the federal household. And such increased participation can be of great benefit in promoting research in basic problems, in conducting pilot projects to test out practices and methods, and in providing learning situations for the Indian people.

The government either has authority or it should seek legislative authority to contract for services in any and all fields, wherever skills and experience are available and are in need. Work under contract by private agencies can often be carried out in a manner more directly to benefit the Indians, since it is not hampered by the regulatory procedures (red tape) required by government. At the same time, the government should develop standards of performance as a guide to contracting parties.

In the outline of programs for the future listed above, no attempt has been made to indicate specific problems on which agencies outside of the federal government might direct their efforts. Such agencies might well study these suggested programs and discover ways in which their resources and abilities can be utilized in joint efforts with the tribes, the federal government, and other interested groups. The Indian people generally will welcome technical assistance, but to be most useful the offered services should be planned with the Indians and made part of a total program.

CONCLUDING STATEMENT

To complete our Declaration, we point out that in the beginning the people of the New World, called Indians by accident of geography, were possessed of a continent and a way of life. In the course of many lifetimes, our people had adjusted to every climate and condition from the Arctic to the torrid zones. In their livelihood and family relationships, their ceremonial observances, they reflected the diversity of the physical world they occupied.

The conditions in which Indians live today reflect a world in which every basic aspect of life has been transformed. Even the physical world is no longer the controlling factor in determining where and under what conditions men may live. In region after region, Indian groups found their means of existence either totally destroyed or materially modified. Newly introduced diseases swept away or reduced regional populations. These changes were followed by major shifts in the internal life of tribe and family.

The time came when the Indian people were no longer the masters of their situation. Their life ways survived subject to the will of a dominant sovereign power. This is said, not in a spirit of complaint; we understand that in the lives of all nations of people, there are times of plenty and times of famine. But we do speak out in a plea for understanding.

When we go before the American people, as we do in this Declaration, and ask for material assistance in developing our resources and developing our opportunities, we pose a moral problem which cannot be left unanswered. For the problem we raise affects the standing which our nation sustains before world opinion.

Our situation cannot be relieved by appropriated funds alone, though it is equally obvious that without capital investment and funded services, solutions will be delayed. Nor will the passage of time lessen the complexities which beset a people moving toward new meaning and purpose.

The answers we seek are not commodities to be purchased, neither are they evolved automatically through the passing of time.

The effort to place social adjustment on a money-time interval scale which has characterized Indian administration, has resulted in unwanted pressure and frustration.

When Indians speak of the continent they yielded, they are not referring only to the loss of some millions of acres in real estate. They have in mind that the land supported a universe of things they knew, valued, and loved.

With that continent gone, except for the few poor parcels they still retain, the basis of life is precariously held, but they mean to hold the scraps and parcels as earnestly as any small nation or ethnic group was ever determined to hold to identity and survival.

What we ask of America is not charity, not paternalism, even when benevolent. We ask only that the nature of our situation be recognized and made the basis of policy and action.

In short, the Indians ask for assistance, technical and financial, for the time needed, however long that may be, to regain in the America of the space age some measure of the adjustment they enjoyed as the original possessors of their native land.

APPENDIX 1

THE RECENT RECORD

The Meriam Survey And Subsequent Progress

Anyone who has worked in the field of Indian affairs within the last thirty years knows of the so-called Meriam Survey, entitled "The Problem of Indian Administration," prepared by Lewis Meriam and a staff of associates for the Institute for Government Research (Brookings Institution, Washington, D. C.). The study was undertaken at the request of Secretary Hubert Work, of the Department of the Interior, and the report was published in 1928.

The study and the findings were truly monumental. The staff of professionally trained investigators produced the first objective, scientific statement of Indian conditions ever attempted. Dr. Meriam was concerned with living people, not with any theoretical reconstruction of their societies. What he and his associates discovered about the conditions of life on Indian reservations and what the Federal and State governments and private organizations were doing or failing to do, shattered the complacency of the American people.

For at least twenty years, the main effort of the administrations in Washington, Republican and Democratic, was to repair the damage that had been done to the Indian people, in accordance with the recommendations of the Meriam report. This effort carried all the way through the Roosevelt administration and half way through the Truman administration, when, for reasons never made clear or justified to the American people, the great reform program was stopped cold.

It is our purpose to examine and expose to public view the decisions and actions which led to the adandonment of this reform program and substituted for it a program of destroying Indian resources, of denying Indian aspirations, and arbitrarily relieving the Federal government of responsibility for specific tribes or in specific areas of interest.

The central finding of the Meriam Survey is stated in the very first sentence of the report:

> "An overwhelming majority of the Indians are poor, even extremely poor, and they are not adjusted to the economic and social system of the dominant white civilization."

The analysis and elaboration of this finding runs to almost 850 pages of text. The staff inquired into and reported on problems of health, education, economic conditions, family and community life and the activities of women, migrated Indians, legal aspects, and missionary activities; and the recommendations covered not only these problem areas but also the broader questions involved in policy determinations, staff and field organization, personnel administration, and statistics and record keeping.

As the report in this one sentence characterized the Indian situation without distortion or over-simplification, so also the report proposed a single principle of action which, if faithfully followed, would in time have discovered solutions to the problems of poverty and lack of adjustment which burdened the Indian people. The principle is expressed variously as:

> "Whichever way the individual Indian may elect to face, work in his behalf must be designed not to do for him but to help him to do for himself. The whole problem must be regarded as fundamentally educational."
>
> Again: "In every activity of the Indian service the primary question should be, how is the Indian to be trained so that he will do this for Himself. Unless this question can be clearly and definitely answered by an affirmative showing of distinct educational purpose and method the chances are that the activity is impeding rather than helping the advancement of the Indian."
>
> Or again: "The fundamental requirement is that the task of the Indian service be recognized as primarily educational in the broadest sense of the word, and that it be made an efficient educational agency, devoting its main energies to the social and economic advancement of the Indians, so that they may be absorbed into the prevailing civilization or be fitted to live in the presence of that civilization at least in accordance with a minimum standard of health and decency."

This principle of action was accepted and made operational in the years immediately following the Meriam survey. Soon after the appointment of Charles J. Rhoades as Commissioner of Indian Affairs, it was announced that educational reform would be the keystone of the new administration. Thus, Secretary Wilbur of the Interior Department stated: "The Indian shall no longer be viewed as a ward of the nation, but shall be considered a potential citizen. As rapidly as possible he is to have the full responsibility for himself.... In order to bring this about it will be necessary to revise our educational program into one of the practical and vocational character."[1]

An immediate effect of these recommendations was an increase in appropriated funds for new facilities, equipment and salaries. Teacher qualifications were brought into line with other school systems; regional conferences of administrative and teaching staffs resulted in greater unity in goals and methods. The boarding schools were limited to older children and emphasis was shifted to vocational training. Community day schools were developed to bring schooling closer to the home and indeed to service the community.

Not until the succeeding Roosevelt administration, however, was this broad educational principle given statutory support and put into full operation. This was made possible by the adoption of the Indian Reorganization Act of June 18, 1934. The new law was aimed at repairing damages wrought in the past as well as opening the way to constructive action in the future.

It was permissive, and as to those tribes which adopted the act by formal vote of their members, it prohibited the individual allotting of tribal lands and it authorized the Secretary of the Interior to return to tribal ownership lands which had been withdrawn for homestead entry but had not been preempted. The Act also authorized an annual appropriation of $2 million to purchase land and add it to the diminished resources of the tribes, and established a revolving credit fund of $10 million (later increased to $12 million), to enable Indians to improve their land holdings and supply themselves with necessary equipment.

1. Quoted in the New York Times, April 17, 1929.

But the real heart and core of the Indian Reorganization Act was the recognition of the inherent right of Indian tribes to operate through governments of their own creation, whether customary or formalized by written documents, and through business corporations which the tribes could create and manage.

In later years when the principle of the educational process came under attack, that attack was centered on the tribal governments and tribal corporations. It was argued that these legal devices hindered the advancement of the Indian people, encouraged them to remain aloof from the main stream of American life, and fostered unrealistic attachment to tradition and to the vanished past. Even while the argument was winning adherents and eventually influenced legislation, the evidence against the argument was taking form in Indian activities all across the country.

The start was slow in many cases, since the written constitutions introduced ideas and procedures which had not been part of customary practice. The idea of majority rule, taken so for granted in Anglo-Saxon governing bodies, was at first a divisive rather than a unifying principle in Indian groups, where action is customarily delayed until all the people are of one mind or at least the dissidents agree to stand aside. Also in the beginning, so accustomed were the tribes to wait on the decision of the federal official, they were reluctant to act on their own and to exercise the powers contained in their covenants. That early period passed, and of course performance under the tribal constitutions and charters varied from tribe to tribe. The tribes that made most effective use of the inherent and conferred powers of their written constitutions became, in effect, operating municipalities, managing property, raising revenue for public purposes, administering law and order, contracting for the services of attorneys and other professional advisers, and promoting the general welfare of the people.

The deeper meaning and purpose of tribal government was perhaps missed or misunderstood by those who argued against the program. The meaning and purpose were educational, in that broad sense used throughout the Meriam survey. Through the machinery of tribal government the Indian people for the first time since the days when they met as camp councils to plan a hunt, or as a council of headmen to meet an emissary from Washington, they could consider their problems together, reach decisions, and live with the results of those decisions. Sometimes the results were disastrous to the careers of individual leaders; the people "turned the rascals out," even as other American citizens were doing in neighboring communities and in the state and nation. But these were lessons learned and it can be said that the Indians for the first time began to have some understanding, through their own experiences, of the mechanics and the political philosophy of American society. Additional proof of the effectiveness of this learning process can be adduced from the manner in which tribal leaders began to travel beyond the borders of their own tribes to join with leaders from other tribes in forming regional, inter-tribal organizations and finally, in 1944, creating a national organization[2] which has won national recognition as the representative voice of the Indian people.

In 1956, the then-Congressman, Lee Metcalf of Montana acknowledged the status of this organization, in saying: "It is heartening to me to know that an organization like the National Congress of American Indians exists and functions. If no such body was in existence the Indians of the United States would be faced today with the necessity of bringing about the formation of an equivalent representative organization."[3]

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2. The National Congress of American Indians.
3. In closing banquet address of National Congress of American Indians, 13th Annual Convention, Salt Lake City, 1956

As Indian leaders enlarge their experiences in local and inter-tribal action, they will inevitably move into the county and state political scene and on into national political action. Individual leaders are already participating in the programs of Chambers of Commerce and civic or service committees, winning election as county commissioners and school board members, serving in their state legislatures, and running for and winning seats in Congress.

In spite of this very promising beginning and of the underlying educational principle operating as indecated, the Indian Reorganization Act, and specifically the tribal government program has been under constant attack. Thus, a subcommittee of the House Committee on Interior and Insular Affairs, after conducting an investigation of the Bureau of Indian Affairs, declared in 1954:

> "The organization of Indians into tribal groups with constitutions and charters derived from the Secretary of the Interior[4] --in numerous instances without affirmative tribal approval or comprehension of what was being undertaken--appears to constitute one of the outstanding legal disabiltiies of Indians at the present time."[5]

It should be emphasized in passing that the Indian Reorganization Act provided specifically for the method of adopting a written constitution, namely "by a majority vote of the adult members of the tribe." Whether or not a question at issue in any election is comprehended, is a subjective judgment which may be raised in any election, local or national. In actuality, every election on a tribal constitution, or charter, or amendments to these documents is preceded by an intensive educational effort.

A more judicious appraisal of tribal self-government was offered in 1948 by the Committee on Indian Affairs of the so-called Hoover Commission.[6] After reviewing the record of things that had worked in the long history of Indian affairs administration, the Commission reported:[7]

> "A third experience that is encouraging is the effort under the Indian Reorganization Act to establish self-government among the Indians. The Act marked the end of the attack on Indian institutions. The attempt to revive ancient institutions in the Twentieth Century, if there was such an effort, was a mistake, as has been noted. But the end of cultral hostilities and the effort to establish self-government in tribal or village communities has been all to the good...There can be no doubt about the soundness of applying the principle of self-government to Indian problems.
>
> "Indian leadership is developing. Indian people are analyzing their problems and assessing their conditions in a realistic way that is very promising. Some of them see very clearly that they could do more for themselves with very reasonable assistance, than Uncle Sam would or could do for them. The dividends from this investment in self-government are

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4. The Suboommittee report is in error at this point, if it intends to say that tribal governments derive their powers from the Secretary of the Interior. The settled law is that the tribal right of self-government is inherent, though it may be limited by specific acts of Congress.
5. Report No. 2680, 83rd Congress, Second Session, September 20, 1954.
6. Commission on Organization of the Executive Branch of the Government. Members of the working committee on Indian Affairs were: George A. Graham, Chairman; Charles J. Rhoades; John R. Nichols; and Gilbert Darlington.
7. Report of above committee, p. 26.

just beginning to come in, and there are some real weaknesses in the system as it stands, but Indian self-government is clearly a potent instrument if wisely used."

The Hoover Commission report was even more specific in citing the gains that had been made under the Indian Reorganization Act and in relating these gains to the educational process which concerns us here. Thus, the report stated:

"Tribally owned and controlled economic enterprises are playing a significant part today in the improvement of Indian life. There are tribal(or village) loan funds, herds, forests, range lands, sawmills, fisheries, canneries, stores, marketing cooperatives, and other enterprises.

"The benefits are real and are of at least four kinds. (1) These projects produce revenue which Indians need. In the enterprises involving agricultural resources a modern conservation policy tends to be followed and the assets are growing in value. (2) The enterprises provide employment for Indians. Some, such as sawmills, create a great deal of employment and the income from wages far exceeds the income from dividends (per capita payments). These enterprises are aiding the economic advancement of individual Indians. (3) Tribal loan funds are being used to secure capital--livestock, farm machinery, equipment, boats, fishing gear, trucks--for individual Indians. (They are also being used to further education and provide for home construction and repairs.) The benefits are direct. Other enterprises also are helping Indians to climb a rung or two on the economic ladder. Range units owned by the tribe or by individual Indians are providing the range in which Indian owners graze their livestock. Tribal berds can make available repayment cattle to an individual to get him started in building up a herd of his own. Cooperatives assist individual craftsmen to get materials and market their products at a profit. (4) Not the least of the benefits of these Indian enterprises is the education they provide in present day economic institutions. It would be incomplete, to say the least, to educate Indian property owners without giving them any experience in corporate activity. Corporate organization is as essential for many Indian projects as it is for non-Indian.

"When Indian enterprises were launched, some of them many years ago, they were given very careful supervision. Indian service officials were largely responsible for their success or failure and had to take an active part in management to insure success. Under the Indian Reorganization Act, tribal authorities exercised more discretion but federal supervision was still extensive. Agricultural extension agents, for example, were very active in reviewing applications for loans and in following up to secure payment. Loans were also subject to approval by superintendents. Quite recently federal supervision has been curtailed, the power of tribal authorities to act without approval has been extended and they have found themselves with a much greater share of the responsibility for management."

Other gains under the Indian Reorganization Act contributed to the atmosphere of hopefulness which gradually came to prevail in Indian communities during the New Deal.

Lack of an adequate source of credit and the technical advice needed to use credit effectively were prime reasons for the poverty reported in the Meriam survey. Some meager beginnings in supplying credit had been made in 1908

on a few reservations. The first general appropriation for this purpose was authorized in 1911, in the amount of $30,000.00; and annually thereafter similar small amounts became available. Repayments on these small loans were converted back into the United States Treasury and the money was lost to the credit program, unless re-appropriated. Under this program, government personnel purchased the items for which the money was borrowed, and in effect re-sold the items to the Indians--a procedure that permitted the Indian client scant opportunity to decide the kind, type, or quality of cattle or farming equipment he was acquiring. The Indian, whether he repaid his loan promptly or not, could not be assured of continued financing, since the amount available varied from year to year according to the appropriations made by Congress. Of over $7 million loaned during this earlier period, generally without planning or real participation by the Indian, approximately $500,000 was subsequently cancelled as uncollectable and about $2 million was still owing after ten or fifteen years and would never be collected.[8]

The record of transactions under the Indian Reorganization Act is in striking contrast. Between 1935 and about 1950 a total of $5,500,000 was appropriated, out of a combined authorization of $12,000,000, and to this credit pool Indian tribes added $1,800,000 of their own tribal funds. Since repayments went back into the revolving fund and became available for re-lending, it was possible during this period of years to make loans of approximately $17,000,000, including federal and tribal money.

The primary loan was made by the United States to a tribal corporation, credit association or cooperative group, and these bodies in turn loaned to individuals or tribal enterprises. The tribal corporation or the credit group assumed the responsibility of obtaining repayments, and moreover each client loan was based on careful planning between the tribal lending agency and the client. The individual made his loan purchases, usually on a tribal purchase order, with technical assistance provided as needed by tribal credit committee or the extension agent.

These factors in combination completely changed the credit record. On primary loans from the United States to tribal corporations, credit assonciations, and cooperative groups, 96.6 per cent had been repaid on their due date by June 30, 1960; 0.5 per cent had been extended; 0.5 per cent had been cancelled; and 2.2 per cent had been declared delinquent. As of June 30, 1960, in re-lending operations conducted by the tribal groups, 92.35 per cent had been repaid, 3.95 per cent had been extended, 1.78 per cent had been cancelled, 1.12 per cent had been declared delinquent, and 0.80 per cent were in process of liquidation. These latter figures do not include the Juneau Area.

The effectiveness of this credit program is reflected by other factors. For example, Indian-owned livestock, between 1932 and 1947, increased from 171,000 to 361,000 head. Total agricultural income to the Indians increased from $1,850,000 in 1932 to almost $49 million in 1947, the latter figure including about $12 million worth of farm products consumed at home. In these years also, Indians increased the acreage of croplands farmed by almost 400,000 acres; likewise they took over the operation of more than 7,000,000 acres of grazing land. These were lands which previously had been farmed or grazed by non-Indians. Indian operations were made possible as credit became available for investments in improvements, equipment, stock, etc.

The Indian Reorganization Act authorized a land acquistion program, through appropriation of funds and through the return to Indian ownership of certain ceded lands. Under this authority lands were acquired for tribes,

8. Taken from Annual Report of the Commissioner of Indian Affairs, 1948.

bands, and groups of Indians whose land base had been drastically reduced or for whom no land had ever been provided. Plans were also formulated for consolidating scattered tracts of Indian-owned land through purchase, relinquishment, and other arrangements by which key tracts were obtained and blocked out to form economic units. Land was acquired under various authorities and appropriations, as follows:

Indian Reorganization Act funds	395,500 acres
Misscellaneous (gratuity appropriations, cancellation of reimbursable debts, etc.)	334,000 acres
Tribal funds	390,000 acres
Restoration of ceded lands (Sec. 3, Indian Reorganization Act)	965,000 acres
Special legislation (transferring public domain)	1,063,000 acres
Uintah and Ouray legislation	510,000 acres
Puertocito purchase (Navajo)	31,663 acres
Total	3,689,163 acres

These actions, briefly told, grew out of desperate need--but so effective were they that they brought an end to further property losses and even reversed the downward trend of Indian expectations. Then the effort weakened and finally stopped entirely.

The Abandonment of Progress

The lack of continuity in federal Indian policies and programs has done more to discourage Indian effort than perhaps any other aspect of administration. The shifts and reversals and repudiations occur not just every four years with changes in the national administration, but locally every change of a superintendent or other key official at the reservation level results in shifts and changes which after awhile become too bewildering to follow. The tourist who makes a quick trip to an Indian reservation and afterwards writes an article about the "apathetic" and "fatalistic" Indians can have no idea what it means to live in a situation where on twenty-four hour notice one program stops and another starts; one man leaves and another man comes to take his place; or a hospital or school is closed and the substitute institution is fifty or a hundred miles away in a strange community; or the United States decides to build a dam and flood out the homes that people have lived in since before the time of Columbus. The time comes when people give up trying to understand what is happening or to improve the situation in which they live.

This unhappy characteristic of Indian affairs administration is called to attention in the report of the Hoover Commission:[9]

> "The pessimistic conviction that no reform will be carried to a finish is so deeply embedded in the minds of reservation Indians, that it will have to be dealt with continually and persistently to overcome their

9. Committee on Indian Affairs, Report to Hoover Commission, p. 22.

doubts and maintain their support. The personnel of the Indian Service is also affected by the same doubts.

"Some of the policies written into law in the Indian Reorganization Act of 1934 have proved to be effective judged by any standards, yet the support for them has faded out nontheless. The loan program has produced good results and losses have been extremely small. Yet funds have not been made available in sufficient amounts to get the results that are possible. The land purchase program to round out Indian ownerships and establish Indian families on farms and ranches was launched with enthusiasm but it has languished. Today there are partially completed irrigation systems in which the land has not been subjugated, ditches have not been completed, and water has not been brought to the land because of lack of funds. An investment has been made but not been carried to the point where it brings in the full returns. This sort of shiftlessness is not a good example for Indian people whom it is supposed, we are teaching to be good businessmen. On some reservations a number of Indian families had made a good start in the cattle business before World War I. Then policy changed and their stock was sold. Twenty years later it was again the policy to get them established with their own herds. If there are a few skeptics who wonder if the weak support for the present policy does not augur another change, their doubts are understandable."

The closing sentence in the above paragraph, written in 1948 or perhaps earlier, was indeed prophetic. A basic policy change was even then in the making, in fact had been on its way for sometime.

The Indian Reorganization Act had encountered opposition even in its inception. The fact that the legislation in draft form was taken to the Indian people and discussed with them in regional conferences, where suggestion and criticism were invited-- a procedure that never before had been followed in the consideration of Indian legislation--did not silence the attacks. The law, as adopted, was permissive and was made applicable only on those reservations where it was adopted by a vote of the people. Again, an unprecedented procedure, and still the attacks continued.

For most part, this early opposition reflected a misunderstanding of the purposes of the Act. Perhaps it reflected a lack of confidence in the intentions of the government. Another gneralization that might be make, after reviewing the testimony in printed hearings, is that the Indians in 1934 were not ready to discuss basic policy reform. Their views had never been sought; it was still rather a rare thing for a tribal delegation to make the long trip to Washington to take sides either for or against proposed legislation.

Beginning in 1928 an investigating subcommittee of the Senate Committee on Indain Affairs held hearings throughout the Indian country and in time gathered mountainous data, consisting principally of complaints against local bureau employees and local conditions. Reports of these hearings were published in due course, on occasion a higher official would be reprimanded, but generally the cause of the complaint remained unsatisfied. The Indians had grown accustomed to inaction.

The Indian Bureau, of course, was vulnerable. The Meriam survey had revealed its many weaknesses, its inadequacies, its bureaucratic callousness to human misery. In the minds of many Indians and many private citizens other than Indians, nothing short of the abolition of the Bureau would accomplish any good. The men who had most to do with Indian policy in the Roosevelt

administration, Secretary of the Interior Harold Ickes and Commissioner of Indean Affairs John Collier, had been among the sharpest critics of the Bureau for some years prior to their assumption of office.

The culmination of this early phase of opposition is perhaps reflected in Senate Report No. 310 of the 78th Congress, 1943, which in 33 recommendations would not only eliminate the Indian Reorganization Act but in a matter of three years abolish the Indian Bureau completely.

A more substantial attack on the Bureau of Indean Affairs and its functions was mounted in the 80th Congress. That was the first Congress in more than twenty years in which control had passed to the Republican party and a determined effort was made to reduce expenditures. The executive branch, bureau by bureau, was hailed before appropriate Congressional committees and required to justify operations and costs.

Mr. William Zimmerman, then Acting Commissioner of Indian Affairs, was called before the Senate Committee on the Post Office and Civil Service and was asked to supply information as to what functions of the Bureau might be discontinued, what field agencies and employees might be eliminated, and what savings might be affected by these actions. The inquiry finally resolved itself into a question of what Indian tribes might be removed from federal supervision and responsibility as a first step toward reducing government costs. The Acting Commissioner, under subpoena, supplied three tribal lists. The first, a short one, indicated tribes from which federal supervision might be removed in the immediate future; the second, tribes from which supervision might be removed in a period of ten years; and a third list naming tribes that would need help and supervision for an indefinite period.

An effort was made to rationalize these divisions by setting up four criteria, roughly: (1) the extent or degree of acculturation of a given tribe; (2) the economic conditions of a tribe, as reflected in available resources; (3) the willingness of a tribe to dispense with federal assistance; and (4) the willingness and ability of the state in which the tribe was located to assume responsibility for the services extended to other citizens of the state. These criteria contained many subjective factors, or they relied on data which actually did not exist. The listing of the tribes in the three categories, accordingly, could be characterized at best as an informed guess. Mr. Zimmerman understood this quite well, but so intent were some individuals in Congress to relieve the government of responsibility with respect to certain tribes and eventually for all tribes that this testimony was used, unfairly and often out of context, as a base from which to launch a new and vigorous attack against the reform programs of the previous twenty years.

In that same 80th Congress (Second Session) the effort of the Department of Interior to recognize and give legal status to the lands claimed and used by the Natives of Alaska came under vigorous attack.

The Treaty of 1867 by which Alaska was acquired from Russia provided that the United States would legislate in behalf of the Natives of Alaska and through such legislation determine the nature and extent of the rights of the Natives in the lands they occupied. Laws passed in 1884 and again in 1891 recognized that the Natives had valid rights in land and prohibited others from going upon or occupying lands in the actual possession of Natives. These were indefinite and inchoate rights which placed the burden of proof upon the Natives. In practice, the Natives gave way and made no effort to protect themselves against intrusion in their trapping areas and in the fisheries in southeastern Alaska.

Secretary of the Interior to designate as an Indian reservation any lands previously set aside for Native use, including in the designation any additional public lands actually occupied by Natives. However the designation would not become final until approved by a vote of the Natives, voting by secret ballot. During the years 1941-44 eight reservations were thus designated, of which six were ratified by the Natives and two were rejected.

The storm broke in 1946, when the Secretary proposed to establish sixteen additional reservations, subject to ratification by the Natives. Amid charges that the Secretary was attempting to turn over the territory of Alaska to the Natives and was blocking settlement and development of the territory's wealth, proposals were offered in Congress to revoke the Secretary's actions in creating the six reservations and to repeal the special Alaska amendment to the Indian Reorganization Act, thus depriving the Secretary of authority to create reservations in the future. These proposals failed, but the discussions centered around them and around Native rights swelled the attack against the government's Indian policy, and specifically against the Indian Reorganization Act.

In an effort to give some guidance to the discussion in Congress, the Bureau of Indian Affairs in 1947 offered drafts of legislation which would provide for the creation of tribal corporate enterprises and would empower the tribes to carry on their own business as tribal entities, subject, during an interim period, to the advice and supervision of a local committee consisting of members appointed by the federal government, the state, and the tribe, However, the Congressional committees obviously favored more drastic measures. The tribal corporation approach suggested by the Bureau was ignored and thinking was directed toward liquidating the Indian service primarily by transferring its functions to other already existing agencies of the federal government. Thus, bills were proposed in that 80th Congress to transfer health work to the United States Public Health Service, Indian forestry and extension work to the Department of Agriculture, Indian irrigation to the Bureau of Reclamation, etc.

In a speech before the annual meeting of the Home Missions Council at Buckhill Falls, Pennsylvania, January 6, 1948, the Assistant Secretary of the Interior, William E. Warne, referred to these Congressional developments:

> "Wholesale and indiscriminate relinquishment of federal responsibilities for the protection of Indian property rights is not justifiable, however, and would be dangerous to the Indians. Many critics fail to discriminate adequately between those Indians who have progressed a long way toward assimilation, and those....who have as yet had little opportunity for association with non-Indians. As a matter of fact, it is easy, when discussing Indians in Oklahoma, to be so impressed with the economic and political competence of many representatives of the Five Civilized Tribes as to forget that there are several thousand members of these same tribes isolated in one hundred per cent Indian communities in the eroded Cookson Hills, and in eastern McCurtain County, who speak very little English, and who a few years ago had an average net annual cash income of $54.00 a year."

The trend of Congressional thinking is further indicated in the memorandum of August 5, 1952, addressed by Commissioner Dillon Myer to all Bureau officials, in which the Commissioner wrote:

> "I think it may be fairly said that current Congressional actions with regard to the Bureau of Indian Affairs and Indian appropriations indicate future appropriations will be limited largely to financing items which

will facilitate withdrawal. This approach is already evident to both House and Senate with respect to appropriation of construction funds. Under this condition it is imperative that the Bureau develop and implement programs to assist Indians to become better qualified to manage their own affairs."

This memorandum was not a directive to Bureau personnel to organize programs designed to increase Indian management skills. The real purpose was to urge, on the part of all staff members, greater speed in devising methods and procedures by which the federal government might be relieved of responsibility in the Indian field. Thus, the Commissioner continued in his memorandum:

"Full understanding by tribal membership should be attained in any event, and agreement with the affected Indian groups must be attained if possible. In the absence of such agreement, however, I want our differences to be clearly defined and understood by the Indians and ourselves. We must proceed, even though Indian cooperation amy be lacking in certain cases."

By 1950, when Dillon S. Myer was appointed Commissioner, the policy of rehabilitation and enlargement of physical resources, the advancement of local self-government, the acceptance of educational process as a guide to policy and action--all of which flowed from the recommendations contained in the Meriam report--was scrapped.

Beginning in 1948 the basic land policy of the Bureau was reversed, and instead of acquiring land to add to already inadequate resources, emphasis was placed on the removal of restrictions against sale, thus allowing Indian land to pass out of Indian ownership. In a ten-year period, 1948-57, a total of 2,595,414 acres of individually-owned trust land was removed from trust status, some of it for public purposes. The net acreage removed from trust status and made available for sale was 2,174,518 acres, or more than one-half of the area which had been painstakingly acquired since the enactment of the Indian Reorganization Act of 1934. Moreover, the land was moving out of trust status at an accelerating rate, as indicated by the fact that during the first five years of the period (1948-52) about 805,000 acres were involved, while in the final five-year period (1953-57) about 1,800,000 passed out of trusteeship.[10]

The credit program, which got off to such an encouraging start in the early years of the New Deal, experienced a similar shift of emphasis. Obviously, under a policy of withdrawal and under the compulsion of reduced appropriations, the expedient strategy for the Bureau was to reduce program wherever possible, regardless of the effect this might have on Indian development. A smaller land acreage under trusteeship would reduce the cost of administering it. Credit operations likewise could be reduced by advising Indians to avail themselves of commercial credit sources and by increasing the interest rate on loans from the federal revolving credit fund in order to encourage commercial borrowing. These devices were used, and by July, 1954 the program was practically at a standstill. This is reflected in the fact that at that time the unused cash balance in the loan fund was $5,280,000 or about $836,000 more than the total amount available in 1941.

10. The association on American Indain Affairs, in its Newsletter for June, 1955, commented on the situation:

"What are the reasons for this stagnation? Bureau officials reply blandly that applications for loans are not coming in, and that more and more credit is being obtained from other sources. Both of the answers may be true, but they tell only part of the story. The real reasons seem to be three: (1) Most important is the general understanding by Indians and Bureau employees that the commissioner wants to curtail lending and in time liquidate the revolving fund; (2) A recent change in the regulations, as a result of which loans may be made only for one year, is not understood by Indians and has deterred applications. Indians, knowing that certain projects cannot possibly pay out in less than five years, refuse to make one-year loans, for at the end of each year the burden is on the Indian to prove to Bureau officials that his loan should be renewed for another year; and (3) the last reason is lack of personnel. Determined to unburden the Bureau of agricultural extension services for Indians, the commissioner has been transferring responsibility for these services to states as rapidly as possible through Johnson-O'Malley contracts. The transfer of funds under these contracts has involved the transfer of money appropriated to the Bureau for extension activities plus a substantial sum otherwise available for credit operations. Thus, the Bureau's Branch of Credit is undermanned and immobilized."

Finally, we come to the so-called Termination policy, embodied in House Concurrent Resolution 108 of the 83rd Congress, 1st Sess., adopted August 1, 1953 (text reproduced on page 32), and realize that the effort and high promise of twenty years are abandoned. The basic educational process advocated by the Meriam Survey and implemented and carried forward under the Indian Reorganization Act, is nullified. Instead of social and economic betterment, the Indians are offered homelessness and deeper poverty than any they have known. And to add insult to injury, this is to be accomplished in the name of citizenship!

The first two whereas clauses of this resolution are not only at variance with the facts, they defame the Indian people. Fact 1: Indians are subject to the same laws and are entitled to the same privileges and responsibilities as other citizens. Indians are citizens, without any qualifications or limitations. Fact 2: Indians are not, never have been, wards of the United States. The word has been loosely used and widely misinterpreted as a consequence of the trusteeship exercised by the United States over Indian property and of the exclusive jurisdiction exercised by the federal as opposed to state government. Fact 3: The rights and prerogatives of citizenship were conferred upon all Indians born within the United States by the Act of June 2, 1924. Fact 4: The Indians have assumed and do assume their full responsibilities as American citizens, in peace and in war. Like other citizens, they are exempt from certain taxes, and they are also like other citizens in prizing this lawful advantage.

The only apparent purpose of the whereas clauses is to provide a pious motive for the malicious policy enunciated in the body of the resolution. That policy would: (1) withdraw trust protection provided by treaty and statute for Indian lands and other property; (2) discontinue federal services, whether or not local or state governments are prepared or able to provide substitute services, and (3) devise legislative means to nullify treaty and statutory obligations to the Indian people.

When a patient is committed to a doctor's care and the doctor assumes responsibility, a definite relationship is established. The patient is to follow the doctor's advice; the doctor must strive to effect a cure. If, after a period of time, the patient fails to respond to treatment, it is not the doctor's privilege to abandon the patient or take action to hasten the patient's demise.

The Indian people in 1928 were ailing. As the Meriam survey indicated: "An overwhelming majority of the Indian people are poor, etc." In the intervening years, remedial measures were instituted. The patient showed signs of improving. The great war effort interrupted the flow of assistance to Indian communities--as a matter of fact, the Indians contributed heavily to that effort, as members of the armed services and as war industry workers. When the war ended and the Indians returned to their homes, expecting to resume their tribal and individual rehabilitation programs, they found an unwilling physician: a Congress that refused to provide funds for land purchase and development; a Department of the Interior that dried up the credit program.

The Navajo and Hopi Indians were saved by a blizzard that centered national publicity on their poverty. Other tribes, missed by the storms of that dreadful winter of 1947-48, were equally hungry, but the newspapers never discovered their plight.

By August 1953, the healing physician had peeled off his rubber gloves and removed his white gown. Indian reform was dead. The answer to poverty and social and economic maladjustment was termination.

The copy of House Concurrent Resolution 108, 83D is a part of this report.

HOUSE CONCURRENT RESOLUTION 108, 83D CONGRESS, 1ST SESSION

Passed August 1, 1953

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indians tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potowatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the State of California, Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

Attest:

LYLE O. SNADER,
Clerk of the House of Representatives.

Attest:

J. MARK TRICE,
Secretary of the Senate.

APPENDIX 2

STATEMENT ON THE MENOMINEE TERMINATION ACT

Written for the AICC
June 8, 1961

Legislative Background

In 1952, the Menominee Tribe had on deposit in the U. S. Treasury an amount in excess of $10,000,000.00. A major portion of this had come from successful culmination of litigation against the United States. Understandably, members of the Tribe wished a per capita payment of some of this substantial amount. At the request of the Tribe, Wisconsin Senators and Congressmen introduced bills to provide for payment of $1,500.00 to each individual member of the Tribe, an amount which would exceed $4,000,000.00.

The bill sponsored by Congressman John Byrnes was adopted by the House of Representatives early in 1953. When it went to the Senate and tribal representatives appeared to testify in support, they were met by considerable reluctance on the part of the Senate Committee. The Senators expressed an opinion that the United States should be relieved of further obligation to continue supervision over the affairs of the Menominees because prior mismanagement had resulted in lawsuits against the United States. They expressed the view that the Menominees should, in order to obtain payment of some of their funds, accept legislation which would terminate the treaty-based obligation of the United States to continue such supervision. The Menominee representatives argued and said their people would not accept such a proposal. At their invitation, Senator Arthur V. Watkins, then Chairman of the Senate Subcommittee, traveled to the Menominee Reservation and talked to a General Council meeting of the Menominee Tribe. As the result, the Menominee General Council approved the principle of "termination".

The Menominee delegates returned to Washington and prepared to agree with Senator Watkins on specific provisions of the legislation. They were not able to do so - they felt Senator Watkins had back-tracked on some of the commitments he made to the Tribe. The Senate passed a bill which was objectionable to the Menominees. Since it varied from the House proposal, it went before a conference committee. Congressmen Byrnes and Melvin Laird of Wisconsin joined to persuade the House of Representatives to reject the conference report.

A new bill was introduced in 1954. Again, it was the subject of numerous hearings before a joint Senate-House committee and was dealt with in many informal conferences involving Menominee representatives, members of Congress and officials of the Department of the Interior. The Menominees still asked for a per capita distribution without termination, but to no avail. Senator Watkins and leading officials of the Department of the Interior informed them that they must accept termination as a prerequisite to obtaining distribution of their funds. They acquiesced and did their best to obtain the provisions which they thought most helpful to the Tribe. The original version of the Menominee Termination Act was passed by both houses of Congress and signed by the President on June 17, 1954.

The Menominees thereafter made several efforts to obtain what they considered more desirable provisions in amendments to the Termination Act. Two of these - in 1956 - provided that the United States would pay some of the costs of termination and would require that the Menominee Forest be operated on the principle of sustained yield. These amendments also provided that the tribe should formulate a proposal for future management of its property. This involved study by some of the best experts available. The State of Wisconsin, acting through its Legislature, had appointed a Menominee Indian Study Committee some time prior thereto.

The Menominee Indian Study Committee utilized the services of a committee from the University of Wisconsin. It did many studies on desirable forms of organization, including local government and business organizations. With the help of much expert assistance, the Menominee Tribe finally evolved a plan. It contemplated creation of a separate county consisting of the Menominee Reservation, creation of a business corporation (utilizing a voting trust consisting of four members of the Tribe and three outsiders) and many features involving cooperation with an adjoining county in an effort to minimize the county budget. This required state legislation. After much effort and persuasion, the Legislature of Wisconsin responded by adopting the plan substantially as submitted by the Menominee Tribe.

The need for state legislation, among other things, required additional time beyond that originally provided by Congress. After considerable indecision, this was approved by Congress in 1958. Even the new date for termination - December 31, 1960 - proved difficult to meet. Accordingly, in 1960, the Menominee delegates again made the trek to Washington. As usual, the House Committee was sympathetic but the Senate committee was not. A compromise resulted - the termination date was extended to April 30, 1961, but additional deadlines were imposed on the Tribe. All of these were met with much difficulty. The Congress did enact amendments which excused the Tribe from paying federal taxes on transfers of property required by the Termination Act.

Basics of Termination Plan

On April 29, 1961, the Secretary of the Interior, as required by the Menominee Termination Act, published the termination plan in the Federal Register. Wisconsin's 72nd County - Menominee County - became a reality on May 1, 1961. Its officials were designated by the Governor after recommendations by the Tribe. Elections will be held soon in accordance with the special legislation enacted by the Wisconsin Legislature. All business activities of the former Menominee Tribe are now handled by Menominee Enterprises, Inc. As indicated above, the corporate organization utilizes a voting trust. This means that the stock ownership of each individual member was assigned to the voting trust composed of seven persons. The sole function of those persons is to select the original Board of Directors of the corporation and fill vacancies as those occur. The Board of Directors is composed of nine persons, four members of the Tribe and five outsiders. All connected with the problems believe that excellent choices have been made for the voting trust and the Board of Directors. The president of the corporation is Mr. Leo Bodine, a former high operating official of Diamond Match Company. Mr. Bodine has had considerable experience in the timber business, the major activity of the Menominee Tribe and Menominee Enterprises, Inc.

Although termination has actually occurred, additional legislation is pending before the Congress. During April, 1961, the House of Representatives passed a bill which would authorize the Secretary of the Interior to lend, upon adequate security, not to exceed $2,500,000.00 to the new corporation. It would also authorize expenditure of an amount in excess of $400,000.00 to bring the sanitary facilities within Menominee County up to state standards. In addition, it would authorize, over a period of five years, grants in excess of $2,000,000.00 to assist the new county and the new corporation to get started. Much of this is required by unanticipated expenses growing out of "termination".

The Menominee delegates had requested that the termination date again be extended, but that request was denied by the House Committee and the House of Representatives. Other than that, those supporting the Menominee cause feel that the treatment at the hands of the House Committee and the House of Representatives was eminently fair. But a different climate still prevailed in the Committee on Interior and Insular Affairs of the Senate. That committee authorized loans not to exceed

$1,500,000.00 and agreed to a grant of over $400,000.00 for construction of adequate sanitation facilities. It has, however, stubbornly refused to agree with the House to provide grants for other termination costs such as tuberculosis care, excess welfare loads, school costs (in lieu of usual federal aids for Indians), and other transitional requirements. The Senate bill was expected to be debated on the floor of the Senate early this month. It is understood that Wisconsin's two Senators, Wiley and Proxmire, are prepared to ask that the Senate reject the bill of its committee and substitute the House version. It is doubtful that this will happen. In that event, it will be necessary that the Senate and House versions be submitted to a conference committee. When that committee reports to both houses, each will have the opportunity to vote on it. Those sympathetic to the Menominee cause, are praying that the House version will prevail.

During the Chicago Conference it was the recommendation of Mrs. Irene Mack and other members of the Menominee Tribe that, should any tribe ever consider accepting termination, they conduct a thorough survey of all of the results, costs and legal implications of this program. They pointed out that only the favorable side was told to the members of their tribe, and that the cost of setting up a county government, the taking of land for highway right of way without remuneration, the cost of maintaining county services formerly paid for by the government were all either not mentioned or only slightly touched upon. The prospect of getting a per capita payment of $1500 looked big to the Indians, many of whom were in poor circumstances, but the losses which they incurred in taxes, and cost of county operation far exceeded any benefits that may have resulted from the termination program. They asserted that they had even had to purchase the land upon which their homes were located from the holding corporation which was set up in conjunction with termination. They therefore wished to go on record as warning all Indians and Indian tribes to beware of termination and not be misled by rosy promises.

APPENDIX 3

RESOLUTION CONCERNING TAXATION OF RESTRICTED INDIANS LIVING ON RESTRICTED LANDS

WHEREAS, there has been introduced in the U. S. Senate, S. 1911, which is a bill to amend the Internal Revenue Code of 1954, to provide that income derived by an Indian from tribal lands or allotted and restricted Indian lands shall not be subject to the income tax; And

WHEREAS, and when, this nation and the various Indian tribes met in formal councils and, into treaty agreements, whereby, and wherein, land cessions and reservations of land unto the various Indian tribes were made and agreed to by this government and the Indian tribes; and where, same were ratified by the U. S. Senate as in other treaties with foreign nations; And

WHEREAS, the legal significance of such agreements so ratified, become under the American Constitution, a part and parcel of the Supreme law of the land. Art. VI, Clause 2, The Constitution. And

WHEREAS, the Courts have held that such action by this nation with the Indian tribes results in the vesting of property right in the Indians; and that Congress or anyone else cannot disturb such vested rights. (Choate v. Trapp, 224 U. S. 665-674,) wherein the Court decided: "There is no question that the government may, in its dealings with the Indians, create property rights which, once vested, even it cannot alter; (citing many cases eliminated here) such property rights may result from agreements between the government and the Indians, whether the transaction takes the form of a treaty or of a Statute is immaterial; the important considerations are that there

should be the essentials of a binding agreement between the government and the Indian and the resulting vesting of a property right in the Indians." Morrow v. United States, 243, Rev. Rep., 854, 846. And

WHEREAS, the government through its Bureau of Internal Revenue has been assessing taxes of every kind and character against the Indians in violation of the prohibitive decisions cited supra; And

WHEREAS, taxes against the Indians both personal and real were never intended nor dreamed of when treaties with the tribes were being negotiated unilaterally by this nation; And

WHEREAS, if taxes were then contemplated the government most assuredly would never have neglected to write such provisions into their treaties, every word of which, the government's treaty commissioners wrote for the acceptance of the Indians; And

WHEREAS, in a parallel case, that of Winter v. United States, 207 U. S. 664, the Supreme Court held: "Ambiguities accruing in the treaties will be resolved from the standpoint of the Indians. And the language used in the treaty should not be construed to the prejudice of the Indians." And

WHEREAS, the Bureau of Internal Revenue has repeatedly forced the Indians all over the Indian Country into the Federal Courts to defend against actions to assess and tax income derived from their restricted property both real and personal. And

WHEREAS, a treaty in point is the Crow Treaty of 1880, ratified by the U. S. Senate in 1882 which provided: "The title to be acquired by us, and all members of the Crow Tribe of Indians shall not be subject to alienation, lease, or encumbrance, either by the voluntary conveyance of the grantee or his heirs or by the Judgment, Order, or Decree of any Court, not be subject to taxation of any character, but shall remain inalienable and not subjected to taxation for a period of 25 years, or until such time as the President may see fit to remove the restrictions, which shall be incorporated in each patent." And

WHEREAS, and regardless of all the foregoing prohibitive court decisions, treaties and acts of Congress directing no taxes against the Indians; the Bureau of Internal Revenue, as stated, has issued at various times bulletins declaring the personal property of the Indians--livestock grazing on restricted lands--is subjected to the income tax law. And

WHEREAS, this Bureau issued Rev. Rule 58-64 Cumulative Bulletin 1958-1, p. 12, as several times, and which ruling held: "income derived from the sale of cattle raised on allotted and restricted Indian lands while such lands are held in trust by the United States, as trustee, under Sec. 5 of the General Allotment Act of 1887, is subject to Federal taxes." And

WHEREAS, there has now, as stated been introduced in the Congress, S. 1911, 87th Congress which is designed to correct and overcome this effort to tax, by the Internal Revenue Service, the Indians, in violation of their treaty agreements and the public policy. And

WHEREAS, such action is most necessary for the protection of their vested rights and economic well being. So now, therefore, be it

RESOLVED, by the Chicago Indian Convention assembled this 16th day in the City of Chicago, Illinois, that they (the Indians), hereby, endorse for enactment into law at this session of the Congress, S. 1911 and recommend such

action to the Congress, the President and the Secretary of Interior to assert the power and prestige of their respective offices to this end.

RESOLVED, further, that copies of this resolution be dispatched to the President, the President of the U. S. Senate, the Speaker of the House of Representatives, and the Secretary of Interior.

ADOPTED, in the City of Chicago, Illinois, this 16th day of June, 1961

APPENDIX 4
RESOLUTION ON THE KINZUA DAM

President John F. Kennedy promised American Indians that under his administration "there would be no change in treaty or contractual relationships without the consent of the tribes concerned. No steps would be taken by the Federal government to impair the cultural heritage of any group. There would be protection of the Indian land base . . ."

The construction of the Kinzua Dam in Pennsylvania would violate the oldest United States treaty still in force without consent of the Seneca Nation of Indians.

The Kinzua Dam would seriously impair the Seneca cultural heritage.

The Kinzua Dam would destroy the treaty-protected land base of the Seneca Nation.

An honorable and practical solution is available: an alternative engineering plan which the Corps of Engineers concedes is feasible.

The breaking of Indian treaties and the taking of Indian land concerns all American Indians and all Americans. It is unthinkable that the United States should persist in the construction of a treaty-violating dam without at least the benefit of an impartial evaluation of a well-documented and allegedly far superior alternative.

Therefore, the delegates assembled at the American Indian Chicago Conference call upon the President of the United States to issue an executive order halting construction of the Kinzua Dam pending an impartial, competent comparison of its benefits and total costs with those of the alternative Plan 6, the Conewango-Cattaraugus Plan.

We look to this act of statesmanship as evidence of the new direction in Indian affairs so long overdue, and now promised by the present Administration.

PRESIDENT JOHN F KENNEDY
THE WHITE HOUSE
WASHINGTON D C

THIS ASSEMBLY OF MORE THAN FIVE HUNDRED INDIAN PEOPLE COMING FROM SIXTY-SEVEN TRIBES OF AMERICAN INDIANS RESPECTFULLY URGES YOU TO GIVE FULL AND CAREFUL CONSIDERATION BEFORE BREAKING THE TREATY OF 1794, AND ALSO GIVE CAREFUL CONSIDERATION TO ALL POSSIBLE ALTERNATIVES TO THE KINZUA DAM PROJECT ONLY YOU CAN STOP THE UNITED STATES FROM BREAKING ITS SOLEMN TREATY OF 1794 WITH THE SENECA NATION WE JOIN THE SENECA NATION IN THIS FINAL APPEAL THAT THE UNITED STATES HONOR THE TREATY SIGNED BY THE FIRST PRESIDENT OF THE UNITED STATES

AMERICAN INDIAN CHICAGO CONFERENCE
BY ANTHONY RIVERS, JR., ACTING CHAIRMAN
JUNE 19TH SESSIONS

APPENDIX 5

THE ALASKA SITUATION

SCHOOLS. There are 43 native schools in Alaska. There are no real problems within the incorporated towns. However, there are dozens of villages wholly native. The Hooper Bay area (Kuskokwim -- Yukon) alone has a population of over 10,000 Eskimos. Many of the federal schools have passed the half century mark and relief is only visible by the large signed on the outhouses -- Boys; Girls. In these areas more than 2,000 children are destined to reach adulthood without one day of school because there is no school either federal or state and the political situation is such that the State will not build the school plants. This is a condition that began in 1884. The state says the fault is with the United States and with that we have to agree. So we asked the Bureau of Indian Affairs to include in its Alaska school budget ample provision for these hapless children.

The secondary schools. The Mt. Edgecumbe federal school is theoretically an occupational school whose curriculum was formerly quite complete for its 600 students. But the boat shop was closed and while the Commissioner was promising continuance, the natives have built scarcely a single one of the 4,000 motor boats that have poured into the area. Two years of the business course were closed and the teacher fired because he fought for his kids. The occupational school at Wrangell has been turned into sort of an orphanage.

We cry for relief and pray that occupational schools of high school rank be reactivated and new ones opened in places accessible to the hordes of children now reaching for the doors of schools long promised but not yet there.

Economy under the I.R.A. Lacking only the capital, the Indians could only work for the outside capital which earned for many years 100% annually on their investment. The natives thought the enactment of the Wheeler-Howard Act would solve their problems since they had all the skills required and also the experience. But the result has been quite opposite and the reasons are: The Indian Board of Directors are mere figureheads. The Indian Office takes an assignment of all the extracted income of the corporation leaving the directors with no cash. Skipping the narration of a sad story, you can form your own conclusion from the fact that our four canneries are almost $4,500,000 in debt. In addition, after 20 years of cannery activity the Bureau has not trained one superintendent or even one book-keeper or cannery watchman. The remedy is to consolidate all the canneries under one board of directors elected by those who contribute services or material, distributing the benefits in proportion to their contributions and to cause the IRA to advance finances as a bank would and in accordance with trade practices, it being understood that the board of directors would employ all administrative and consulting services including accountants and attorneys.

APPENDIX 6

RESOLUTION ON QUECHAN WATER RIGHTS

WHEREAS, the Quechan Tribal Council and Tribe functioning in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378). And

WHEREAS, the Quechan Tribe, as a free Nation, enjoying the right to protect and maintain their inhabitants of their liberty, property and religion, claiming equity as citizens of this great nation, And

WHEREAS, the violation of Guadalupe Hidalgo Treaty, guaranteed the rights of the Americans and Indians in the territory acquired by and ceded to the United States, along with supreme water rights, And

WHEREAS, the Quechan Tribe has enjoyed these privileges since time immemorial, And

WHEREAS, the policies set down by the Bureau of Indian Affairs in regard to the irrigation program and general welfare program of the Fort Yuma Indian Reservation exist, And

WHEREAS, the recent recommendations of Master Rinkiff in giving the Quechan Tribe prior rights to the Colorado River water, over opposing suit, And

WHEREAS, the Quechan Tribal Council respectfully uphold the rulings of Master Rinkiff and hold this sacred right to utilize and live and prosper as this has been our God-given right,

NOW THEREFORE BE IT RESOLVED, that the Quechan Tribal Council petition the American Indian Chicago Conference to declare its voice and guidance in the moral fight and stand to secure and to maintain heritages that have been enjoyed by the Quechan Tribe in keeping our supreme water rights.

ADOPTED June 17, 1961

LEROY WARD Leroy Ward
Chairman

LEE EMERSON Lee Emerson
Vice Chairman

QUECHAN TRIBAL COUNCIL

P.O. Box 1169, Yuma, Arizona

ATTEST:

Priscilla Menta
COUNCILWOMAN PRISCILLA MENTA

Edmond Jackson Jr.
COUNCILMAN EDMOND JACKSON JR.

Harold Chaipos Sr.
COUNCILMAN HAROLD CHAIPOS SR.

APPENDIX 7

LETTER CONCERNING INTER-AMERICAN INDIAN INSTITUTE

Dr. Miguel Leon-Portilla
Director Inter-American Indian Institute
Niños Heroes # 139
Mexico, D. F.
Mexico

July 17, 1961

American Indian Chicago Conference
The University of Chicago
Chicago, Illinois

Dear fellow Americans:

It has been for me both a privilege and a pleasure to have made personal contact with American Indians North of the Latin American border.

In my work with the Inter-American Indian Institute, an inter-hemisphere organization in which the United States and most of the Latin American governments participate I have been made aware of your problems and the many things you have in common with the 30 million Indians who live in the Latin American continent.

Let me express my earnest desire to see closer relations between the Indian peoples of all the Americas, specially in these difficult times, when our peoples ought to share in common ideals and realities.

I would be very much interested in developing concrete ways of collaboration between our peoples to help achieve for all North and Latin American Indians better ways of life in a free society.

Expressing my best wishes for the success of the conference, I remain

Cordially yours,

S/ M. Leon-Portilla
Dr. Miguel Leon-Portilla

At the AICC
Chicago, Illinois

APPENDIX 8

AICC INDIAN REGISTRATION

NAME	TRIBE	HOME ADDRESS
ACKLEY, CHARLES	CHIPPEWA	219 20th AVE. S., MINNEAPOLIS, MINN.
ADDISON, CECIL	MOHAWK-CHEROKEE	85 AVON ST., NEW HAVEN, CONN.
ADKINS, CHIEF O. OLIVER	CHICKAHOMINY	RFD 1, BOX 118, PROVIDENCE FORGE, VA.
ADOLPH, VINCENT	COLVILLE	OMAK, WASHINGTON
AIKENS, HANNAH	DELAWARE	4730 BRANDON, DETROIT 9, MICH.
AMES, DONALD	CHIPPEWA	BAD RIVER RESERVATION, WISCONSIN
ANDERSON, JOHN A.	CHIPPEWA	COUDERAY, WISCONSIN
ARCHAMBAULT, JOHN	SIOUX	BULLHEAD, SOUTH DAKOTA
ARCHIQUETTE, OSCAR	ONEIDA	ONEIDA ROUTE 1, WISCONSIN
ARTISHON, GEORGE B.	CHIPPEWA	217 4th AVE. S., MINNEAPOLIS, MINN.
ARVISO, VIVIAN	NAVAJO	311 E. PERSHING, GALLUP, NEW MEXICO
ASHLEY, MRS. RACHEL	SIOUX	DENVER, COLORADO
ATALOA	CHICKASAW	1924 N. CATALINA, LOS ANGELES, CAL.
BARSE, REVA C.	SENECA	15036 ROCKWELL, HARVEY, ILLINOIS
BEARSKIN, BEN	WINNEBAGO-SIOUX	452 W. NORTH AVE., CHICAGO, ILLINOIS
BEARSKIN, FREDDIE	WINNEBAGO	452 W. NORTH AVE., CHICAGO, ILLINOIS
BEARSKIN, NORMA JEAN	WINNEBAGO-SIOUX	452 W. NORTH AVE., CHICAGO, ILLINOIS
BEAULIEU, ISAAC	OJIBWA	411 CHAPEL ST., OTTAWA, ONTARIO, CANADA
BEAULIEU, MRS. ISAAC	OJIBWA	411 CHAPEL ST., OTTAWA, ONTARIO, CANADA
BEAVER, FRANK	WINNEBAGO	WINNEBAGO, NEBRASKA
BEHAN, GERALD	SIOUX	2943 N. SHERIDAN RD., CHICAGO, ILL.
BELGARDE, CHARLES	CHIPPEWA	MINNEAPOLIS, MINNESOTA
BELGARDE, MRS. CHARLES	CHIPPEWA	MINNEAPOLIS, MINNESOTA
BELVIN, B. FRANK	CHOCTAW	1819 S. DELAWARE, OKMULGEE, OKLAHOMA
BIG BEAR, WANDA (PRINCESS WHITE BEAVER)	SIOUX	423 E. NORTH ST., INDIANAPOLIS, IND.
BIG JOHN, DOLLI	WINNEBAGO	957 OAKDALE (WEST), CHICAGO 14, ILL.
BILLISON, SAMUEL	NAVAJO	BOX 211, WINDOW ROCK, ARIZONA
BIRD, NATHAN	WINNEBAGO	1872 N. HOWE, CHICAGO, ILLINOIS
BLACKOWL, BILL	CHEYENNE & COMANCHE	4504 N. RACINE, CHICAGO, ILLINOIS
BLACKOWL, HELEN H.	WINNEBAGO & CHIPPEWA	4504 N. RACINE, CHICAGO, ILLINOIS
BLACKSMITH, WILBUR	ROSEBUD SIOUX	ROSEBUD, SOUTH DAKOTA
BLATCHFORD, HERBERT	NAVAJO	BOX 892, GALLOP, NEW MEXICO
BLUE, MRS. PEARL	SIOUX	MORTON, MINNESOTA
BLUEBIRD, NORMA	OGLALA SIOUX	ALLAN, SOUTH DAKOTA
BODAH, MRS. RITA	MENOMINEE	KESHANA, WISCONSIN
BOUNDING ELK, RICHARD	PENOBSCOT NATION	23-G SOUTH APTS., U. OF MAINE, ORONO, ME.
BOUNDING ELK, MRS. RICHARD	PENOBSCOT NATION	23-G SOUTH APTS., U. OF MAINE, ORONO, ME.
BOWANNIE, FRED	ZUNI	BOX 69, ZUNI,NEW MEXICO
BOWEN, RALPH E.	SENECA	BOX 117, REDHOUSE, NEW YORK
BROGH, ZARA CISCOE	HASSANAMISCO	HASSANAMISCO RESERVATION, GRAFTON, MASS.
BROWN, FRITZ E.	QUECHAN	BOX 119, WINTER HAVEN, CALIFORNIA
BROWN, GERALD L.	FLATHEAD	3918 17th STREET, SAN FRANCISCO 14, CAL.
BROWN, FATHER JOSEPH	BLACKFEET	PRYOR, MONTANA
BROWN, JOHN	SEMINOLE	SASAKWA, OKLAHOMA
BUCK, JAKE	CREEK	6941 S. RACINE, CHICAGO, ILLINOIS
BURGESS, WYNEMA	CREEK	ROUTE 1, BROKEN ARROW, OKLAHOMA
BURKE, BURGESS	PIMA	ROUTE 1, BOX 907X, SCOTTSDALE, ARIZONA
BURNETTE, ROBERT	ROSEBUD SIOUX	ROSEBUD, SOUTH DAKOTA
BUSHYHEAD, DENNIS	CHEROKEE	CLAREMORE, OKLAHOMA
CAIN, EVA B.	WINNEBAGO	SOUTH SIOUX CITY, NEBRASKA
CAMPBELL, NORMAN R.	SIOUX	WELCH, MINNESOTA
CARPENTER, ANSEL	SIOUX	1346 CONN. AVE., N.W., WASHINGTON D.C.
CARSON, FRANK	OTOE' MISSION	2215 N. IONE, SHAWNEE, OKLAHOMA
CAVENDER, MRS. CHRIS	SIOUX	GRANITE FALLS, MINNESOTA
CHAIPOS, HAROLD	QUECHAN	BOX 401, WINTERHAVEN, CALIFORNIA
CHARETTE, MRS. FRANCES	CHIPPEWA	512 N. PLYMOUTH, MINNEAPOLIS, MINNESOTA
CHEW, GERTRUDE	TUSCARORA	SANBORN, NEW YORK
CHEW, SHIRLEY	TUSCARORA	SANBORN, NEW YORK
CHICO, FELIX	PAPAGO	3715 N. HALSTEAD, CHICAGO, ILLINOIS
CHOSA, BEN	CHIPPEWA	LAC DU FLAMBEAU, WISCONSIN
CIMINO, PETE	CHIPPEWA	3943 S. DORCHESTER, CHICAGO, ILLINOIS
CLEVELAND, STEVE	COLVILLE	BREWSTER, WASHINGTON
COBE, AL	CHIPPEWA	255 S. MARION, OAK PARK, ILLINOIS
CONNORS, FRED	CHIPPEWA	BAD RIVER RESERVATION, WISCONSIN

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NAME	TRIBE	HOME ADDRESS
CONROY, HARRY	SIOUX	MARTIN, SOUTH DAKOTA
COOKA, GERTRUDE G.	HOPI-CHEYENNE	KEAMS CANYON, ARIZONA
CORDIER	SIOUX	1646 W. OHIO ST., CHICAGO, ILLINOIS
CORNEILSON, TOM	CHEROKEE & ALGONQUIN	156 WHITEHALL RD., ALBANY, NEW YORK
CORNELIUS, MYRON	ONEIDA	WEST DEPERE, WISCONSIN
CRAIN, ALLAN	SEMINOLE	SASAKWA, OKLAHOMA
CROWE, JACQUELINE	CHIPPEWA	ODANAH, WISCONSIN
CROWFOOT, BULLA	CHEROKEE	1647 N. WELLS ST., CHICAGO, ILLINOIS
CRUTCHER, FLOYD	PAIUTE	BOX 46, MC DERMITT, NEVADA
CUMMINS, JOHN B.	CROW	LODGE GRASS, MONTANA
CUNEY, HAZEL L.	OGLALA SIOUX	3926 W. ST. LOUIS, RAPID CITY, SOUTH DAKOTA
CURRUTH, ALVERTO	COCOPAH	YUMA, ARIZONA
DAILEY, CHARLES	LAGUNA PUEBLO	1505 HOFFMAN DR., N.E., ALBUQUERQUE, N.M.
DAILEY, DEWEY W.	OTOE & MISSOURI	RT. 2 EAST, RED ROCK, OKLAHOMA
DAILEY, TONITA	PUEBLO, SANTA CLARA	1505 HOFFMAN DR., N.E., ALBUQUERQUE, N.M.
DANFOITH, AMY	ONEIDA	ONEIDA RT. 1, WISCONSIN
DANIELS, HARRIET	SIOUX	5477 ELLIS, CHICAGO, ILLINOIS
DARDARE, HELEN RUTH	CHOCTAW	2407 BAYOU RD., NEW ORLEANS, LA.
DAUPHINAIS, PEARL	CHIPPEWA	715 26th AVE., S., MINNEAPOLIS, MINN.
DAUPHINAIS, VONDA	CHIPPEWA & SIOUX	715 26th AVE., S., MINNEAPOLIS, MINN.
DAVID, DOROTHY	STOCKBRIDGE-BRIDGE	WAUWATOSA, WISCONSIN
DAVIDS, ELMER	STOCKBRIDGE-MUNSEE	BOWLER, WISCONSIN
DAVIDSON, JACK	CHOCTAW	BEDOUIN TEMPLE, MUSKOGEE, OKLA.
DECORSE, HENRY	QUECHAN	1302 FIFTH AVE., YUMA, ARIZONA
DECORAH, MRS. MATHILDA	WINNEBAGO	RT. 5, BURLINGTON, WIS.
DECORAH, NATHANIEL	WINNEBAGO	RT. 5, BURLINGTON, WIS.
DECORAH, SYLVIA	WINNEBAGO	348 S. HOMAN AVE., CHICAGO, ILL.
DEER, ALFRED	CREEK	WEWOKA, OKLAHOMA
DEERNOSE, AGNES	CROW	LODGE GRASS, MONTANA
DEERNOSE, DON	CROW	LODGE GRASS, MONTANA
DELONEY, GEORGE C.	CHIPPEWA	3221 N. CLARK ST., CHICAGO, ILL.
DELORIA, FATHER VINE	STANDING ROCK SIOUX	501 N. HURON, PIERRE, S. D.
DE PERRY, GERALD	CHIPPEWA	BAYFIELD, WIS.
DOMINIC, ROBERT	OTTAWA-CHIPPEWA	911 FRANKLIN ST., PETOSKEY, MICH.
DOMINIC, WAUNETTA	OTTAWA	911 FRANKLIN ST., PETOSKEY, MICH.
DOUGLAS, ROBERT	CHEROKEE	VALLEY FORGE MILITARY ACAD., WAYNE, PA.
DOZIER, DR. EDWARD P.	SANTA CLARA PUEBLO	UNIVERSITY OF ARIZ., TUCSON, ARIZ.
DUDLEY, PHILLIP C.	YANKTON SIOUX	RAVINIA, SOUTH DAKOTA
DUFFY, PATRICK	CHIPPEWA	BAYFIELD, WIS.
EAGLE BULL, LLOYD	SIOUX	PINE RIDGE, SOUTH DAKOTA
ECKIWARDY, EMERSON	COMANCHE	CAMERON JR. COLLEGE, LAWTON, OKLA.
ELK, MRS. LOUISE M.	UMATILLA	RTE. 1, BOX 168A, PENDLETON, OREGON
EMERSON, CHRISTINE	QUECHAN	152 WINTERHAVEN, CALIFORNIA
EMERSON, GLORIA	NAVAJO	BOX 23 SHIPROCK, NEW MEXICO
EMERSON, LEE	QUECHAN	WINTER HAVEN, CALIFORNIA
EMERSON, THELMA	QUECHAN	" "
EMERY, CHARLES	SIOUX	CHERRY CREEK, S. D.
EMERY, MRS. CHARLES	SIOUX	" "
ENGLISH, INEZ	CHIPPEWA	2119 SEDWICK, CHICAGO, ILLINOIS
ENGLISH, MELVIN	SIOUX	2014 WEST FREEMAN, CLEVELAND, OHIO
ENGLISH, SUSAN	SIOUX	" " " "
ENOS, RAYMOND J.	PIMA	P. O. BOX 1241, SCOTTSDALE, ARIZONA
ESCHIEF, BERNADINE	SHOSHONE-BANNOCK	FT. HALL, IDAHO
ESCHIEF, TOM	SHOSHONE-BANNOCK	BOX 327, FT. HALL, IDAHO
ESTEVAN, FRANK	ACOMA-PUEBLO	BOX 318, SAN FIDEL, NEW MEXICO
ESWONIA, LEROY	MOJAVE	P. O. 2553, PARKER, ARIZONA
EVANS, ERMA	STOCKBRIDGE MUNSEE	1523 N. 27th ST., MILWAUKEE,WIS.
ENZAMNA, CHIEF	CREEK	7323 S. SANGAMON, CHICAGO, ILLINOIS
FASTWOLF, FRANK	SIOUX	" " " "
FASTWOLF, PHYLLIS	ONEIDA SIOUX	3943 S. FRANCISCO, SALEM, OREGON
FAULKNER, ROSE	CHIPPEWA	2307 S. WEST 27th ST., OKLAHOMA CITY,OKLA
FEDER, SADIE MRS.	SAC AND FOX	INCHELIUM, WASHINGTON
FINLEY, DAN	COLVILLE	ELRENO, OKLAHOMA
FIRE, JIM V.	ARAPAHO	805 SUGAR MAPLE, PONCA CITY, OKLA.
FISHER, FERN	OTOE MISSOURI	566 E. 232, EUCLID, OHIO
FLETCHER, MILTON	CHEROKEE	BOX 763, ALTURAS, CALIFORNIA
FORREST, ERIN	PITTRIVER	3200 PORTLAND, MINNEAPOLIS, MINN.
FOSS, MRS. ROSE	CHIPPAWA	FORT PECK, MONTANA
FOURSTAR, LESLIE	ASSINIBOINE	EMMET, NORTH DAKOTA
FOX, ROBERT	FORT BERTHOLD	SELLS, ARIZONA
FRANCISCO, ENOS	PAPAGO	McLAUGHLIN, SOUTH DAKOTA
FRAZIER, PHILIP	SIOUX	

NAME	TRIBE	HOME ADDRESS
FRAZIER, SUSIE MEEK	SAC & FOX	McLAUGHLIN, SOUTH DAKOTA
FRECHETTE, JAMES	MENOMINEE	KESHENA, WIS.
FREDERICKS, WHITE BEAR	HOPI	BOX 127, ORAIBI, ARIZONA
FUNMAKER, KENNETH	WINNEBAGO	1802 MOHAWK, CHICAGO, ILL.
FUNMAKER, PAULINE	WINNEBAGO	1659 N. VINE, CHICAGO, ILL.
FUNMAKER, HARRY	WIS. WINNEBAGO	" " " "
FUNMAKER, RUBY	SAC AND FOX	1802 MOHAWK, CHICAGO, ILL.
GARRY, JOSEPH R.	COEUR D'ALENE	RTE. 1, PLUMMER, IDAHO
GAY, LEIL	SIOUX	911 E. 140th, CLEVELAND, OHIO
GEORGE, LENORA	CAYUGA	15036 ROCKWELL, HARVEY, ILL.
GEORGE, OSWALD C.	COEUR D'ALENE	RTE. 1, PLUMMER, IDAHO
GERARD, FORREST J.	BLACKFEET	6059 N. 9th ST., ARLINGTON VA.
GILLETTE, BRENDA	GROS VENTRE ARICKRARA	EMMET, NORTH DAKOTA
GILPIN, ALFRED W.	OMAHA	BOX 57, MACY, NEBRASKA
GOETTING, RAY	CADDO	1105 FRANCISCAN, GRANTS, NEW MEXICO
GOETTING MRS. RAY	PUEBLO	" " " "
GONZALES, LEONA	TUSCARORA	MOUNT HOPE ROAD, SANBORN, N.Y.
GONZALES, PRISCILLA	AGUA CALIENTE	PALM SPRINGS, CAL.
GONZALES, RUDY	TUSCARORA	MOUNT HOPE ROAD, SANBORN, N.Y.
GOODHOUSE, LOUIE	SIOUX	FORT COTTON, NORTH DAKOTA
GOOD IRON, ALFREDA	MANDAN	2206 NORTH MILWAUKEE, CHICAGO, ILL.
GOUDY, AL	YAKIMA	YAKIMA, WASHINGTON
GRANT, LEON	OMAHA	FLAGSTAFF, ARIZONA
GREENDEER, FRED	WINNIBAGO	550 WEST MELROSE ST., CHICAGO, ILL.
GREENDEER, GEORGE	ONEIDA-WINNEBAGO	" " " "
GREENDEER, MARY	ONEIDA	" " " "
GROVES, JUANITA (LA ROSE)	UTE	MYTON, UTAH
HALL, JAMES, SR.	GROS VENTRE	NEWTOWN, NORTH DAKOTA
HALL, LELAND	GROS VENTRE	" " "
HARDIN, ROSS E.	PAIUTE	BOX 61 MCDERMITT, NEVADA
HARRIS, MABLE	SAC AND FOX	RTE. 1, STROUD, OKLA.
HART, JOHN A.	CHIPPEWA	LUCK, WISCONSIN
HAWKINS, HANK	SNOHOMISH	11503 87th AVE. SO., SEATTLE 88, WASH.
HAYBALL, A. M.	SHOSHONE	BOX 32, FORT HALL, IDAHO
HAYBALL, NORMAN	SHOSHONE	" " "
HERON, GEORGE	SENECA	RED HOUSE, NEW YORK
HILL, MRS. ELLEN	O'NEIDA	R.R. 1, ONEIDA, WIS.
HOLDING, FRANCES	OSAGE	STAR RTE. B, BOX 1, HOMINY, OKLA.
HOLLOWBREAST, WILLIAM	NORTHERN CHEYNNE	LAMEDEER, MONTANA
HOLSTEIN, DOROTHY	WINNEGABO	2950 NORTH GRESHAM, CHICAGO 18,ILL.
HOLY ROCK, JOHNSON	OGLALA SIOUX	PINE RIDGE, SOUTH DAKOTA
HOMER, PETE, SR.	MOHAVE	PARKER, ARIZONA
HOMERATHA, HORTON	OTOE	1413 SE. 41st, OKLAHOMA CITY, OKLA.
HOOD, HIAWATHA	YAVAPAI	502 W. OAK, CHICAGO, ILL.
HOPKINS, HARRY	MISSION	BOX 4032, BEAUMONT, CALIF.
HOSAY, ALEXANDER	CHIRICAHUA APACHE	1305 S. 12TH, ST. LOUIS, MO.
HOWARD, J. DAN	SIOUX	MORRISTOWN, S. D.
HOWARD, WILBUR	ARIKARA	ALEXANDRIA, KY.
HUNSINGER, MRS. RUTH	(ROSEBUD) BRULE	2904 38TH ST., RAPID CITY, S. D.
JACKSON, AMBROSE	PIMA	ST.JOHNS MISSION HIGH SCHOOL,LAVEEN,ARIZ.
JACKSON, EDMOND, JR.	QUECHAN	BOX 1745, YUMA, ARIZ.
JACOBS, BLANCHE	STOCKBRIDGE MUNSEE	1242 A WEST WASHINGTON,MILWAUKEE,WIS.
JACOBS, LAWRENCE	STOCKBRIDGE MUNSEE	1214 SO.9TH ST., MILWAUKEE, WIS.
JAKE, YETTA	PIAUTE	CEDAR CITY, UTAH
JAMES, EARL	WASHOE	WOODFORDS, CALIF.
JOHNS, EDITH	WINNEBAGO-NEZ PERCE	2861 NO.BROADWAY,CHICAGO, ILL.
JOHNSON, EVA	MENOMINEE	2638 NO.HALSTED ST., CHICAGO, ILL.
JOHNSON, N. B.	CHEROKEE	OKLAHOMA CITY, OKLA.
JOHNSON, ROBINSON	WINNEBAGO	1637 W. 51ST ST., CHICAGO, ILL.
JOHNSON, STELLA	WINNEBAGO	1912 NO. FREMONT, CHICAGO, ILL.
JOURDAIN, MRS. C. A.	CHIPPEWA	65 E. FRANKLIN,MINNEAPOLIS, MINN.
JOURDAIN, ROGER A.	RED LAKE BAND OF CHIPPEWAS	RED LAKE, MINN.
JOZHE, BENEDICT	APACHE	P.O.BOX 308, APACHE, OKLA.
JUMPING EAGLE, IRVING	OGLALA SIOUX	EAGLE BUTTE, S. D.
KABANCO	POTTAWATOMI	1640 NO. 21ST AVE.,MELROSE PARK, ILL.
KABOTIE, FRED	HOPI	ORAIBI, ARIZ.
KAGMEGA, JAMES	POTTAWATOMI	MAYETTA, KANS.
KATHITHA, PRINCESS -CLARA B.ADDISON	NARRAGANSETT	85 AVON ST., NEW HAVEN, CONN.
KEAHNA, COLUMBUS	MESQUAKIE	806 W. DICKENS, CHICAGO, ILL.
KEAHNA, MRS. COLUMBUS	MESQUAKIE	806 W. DICKENS, CHICAGO, ILL.
KEELER, W. W.	CHEROKEE	1118 DEWEY, BARTLESVILLE, OKLA.
KENNEDY, MRS. DOROTHY	SENECA	IRVING, N. Y.

NAME	TRIBE	HOME ADDRESS
KENNEDY, LA FAYETTE JACK	SENECA	IRVING, N. Y.
KENNEDY, LUCY	WINNEBAGO	WINNEBAGO, NEBR.
KETCHESHAWNO, AMELIA	SAC AND FOX	MC CLOUD, OKLA.
KETCHESHAWNO, SHIRLEY	KICKAPOO	MC CLOUD, OKLA.
KETCHESHAWNO, WILLIE	KICKAPOO	MC CLOUD, OKLA.
KIRK, FRIEDA	KLAMATH	BOX 313, CHILOQUIN, ORE.
KITCHEN, MILDRED	AGUA CALIENTE	PALM SPRINGS, CAL.
LA CLAIRE, LEO	MUCKLESHOOT	710 - 4TH ST., AUBURN, WASH.
LADEAUX, FILMORE	SIOUX	1812 W. ERIE, CHICAGO, ILL.
LA FORGE, ALEX	CROW	LODGE GRASS, MONT.
LA FORGE, MRS. ALEX	CROW	LODGE GRASS, MONT.
LA MERE, ROSALIE	ONEIDA	504 W. 33RD ST., CHICAGO, ILL.
LA MERE, WILLARD	WINNEBAGO	504 W. 33RD ST., CHICAGO, ILL.
LA PEARL, CLEO	ONEIDA	1318 HIGHLAND AVE., BERWYN, ILL.
LA PLANTE, ED	CHIPPEWA	3167 N. 19TH ST., MILWAUKEE, WIS.
LA POINT, PETER	WINNEBAGO	406½ ELIZABETH AVE.S.,ALBERT LEA,MINN.
LA ROSE, STELLA	UTE	ROOSEVELT, UTAH
LASLEY, WALTER G.	SAC AND FOX	51 9TH STREET,OAKLAND 7, CALIF.
LE CLAIRE, PETER	PONCA	FAIRFAX, S. D.
LEWIS, CARL	CHIPPEWA	100 PRICEFIELD RD.,TORONTO,ONT.,CANADA
LEWIS, ROE B.	PIMA	2541 NO. 86TH ST., SCOTTSDALE,ARIZ.
LITTLE LIGHT, EDMUND, JR.	CROW	HARDIN, MONT.
LITTLE SWALLOW, DAVID, SR.	MANDAN	NEWTON, N. D.
LIUZZA, LUCIA FRANCES	CHOCTAW	124 N.JEFF.DAVIS, NEW ORLEANS, LA.
LONETREE, MINNIE	WINNEBAGO	PORTAGE, WIS.
MACK, MRS. IRENE	MENOMINEE	NEOPIT, WIS.
MALLORY, JOYCE	WINNEBAGO	1743 SO. 1ST ST., MILWAUKEE, WIS.
MANDAN, MISS ROSE MARIE	MANDAN	2206 NO.MILWAUKEE AVE.,CHICAGO,ILL.
MANITOWABI, GORDON R.	OTTAWA	3401 NO.HALSTED ST., CHICAGO, ILL.
MANY DEEDS, EMANUEL E.	STANDING ROCK SIOUX	40 W.106TH ST., NEW YORK, N. Y.
MARMON, HARRIETT	LAGUNA PUEBLO	811-3/4 57TH ST.,N.W.,ALBUQUERQUE,N.M.
MARTIN, IRENE	SIOUX	OBERON, N. D.
MARTIN, MR. LARRY	CHIPPEWA	2630½ DU PONT AVE.,N.,MINNEAPOLIS,MINN.
MARTIN, PHILLIP	MISSISSIPPI CHOCTAW	PHILADELPHIA, MISS.
MASQUAS, ALICE KETCHESHAWNO	SAC AND FOX	MC CLOUD, OKLA.
MASSLY, MRS. EVELYN	CHEROKEE	205 NO.TRENTON ST.,ARLINGTON,VA.
MAYNOR, HELEN	LUMBEE	PEMBROKE, N. C.
MAYNOR, LACY W.	LUMBEE	PEMBROKE, NORTH CAROLINA
MAYNOR, OLIVIA	LUMBEE	PEMBROKE, N. C.
MC GEE, WILLIAM	HALIWA	HOLLISTEL, N. C.
MC GHEE, CHIEF CALVIN	CREEK	RT.3,BOX 224,ATMORE, ALA.
MC GHEE, MRS. C. W.	CREEK	RT.3,BOX 224,ATMORE, ALA.
MC GHEE, KATHRYN L.	CREEK	245 AQUAMARINE AVE.,PENSACOLA,FLA.
MC GHEE, OPAL F.	CREEK	245 AQUAMARINE AVE.,PENSACOLA,FLA.
MC KINLEY, HOWARD	NAVAJO	FORT DEFIANCE, ARIZ.
MC KINLEY, HOWARD, JR.	NAVAJO	FORT DEFIANCE, ARIZ.
MC LESTER, BLANCH	ONEIDA	BOX 23, ONEIDA, WIS.
MC LESTER, JUDY	ONEIDA	ONEIDA, WIS.
MC NICKLE, D'ARCY	FLATHEAD	205 DEVON, BOULDER, COLO.
MENTA, PRISCILLA G.	QUECHAN	BOX 391, WINTERHAVEN, CALIF.
MERRIVAL, BARTON	SIOUX	920 LAKESIDE, CHICAGO, ILL.
MEYERS, CHARLES F.	WYANDOTTE	19448 HARTWELL, DETROIT 35, MICH.
MILLER, ARVID, SR.	STOCKBRIDGE-MUNSEE	BOWLER, WIS.
MILLER, HELEN MINER	WIS. WINNEBAGO	3400 ROSE, FRANKLIN PARK, ILL.
MINER, KATE THUNDER	WIS. WINNEBAGO	3400 ROSE, FRANKLIN PARK, ILL.
MOCCASIN, STEVEN	SIOUX	WANBLEE, S. D.
MONGUSE, EDWARD	KEWEENAU INDIAN COM.(CHIPPEWA)	BARAGA, MICH.
MONK, ELIZABETH	AGUA CALIENTE	PALM SPRINGS, CALIF.
MONTURE, ETHEL BRANT	MOHAWK	
MORE, MRS. IRENE	ONEIDA	SEYMOUR, WIS.
MORIGEAU, E. W.	FLATHEAD	POLSON, MONTANA EAST SHORE ROUTE
MULL, MARVIN	SAN CARLOS APACHE	SAN CARLOS, ARIZ.
NAQUIN, ESTHER DOLORES	CHOCTAW	2407 BAYOU RD., NEW ORLEANS, LA.
NARCHO, EUNICE	PAPAGO	TUCSON, ARIZ.
NARCHO, RAY	PAPAGO	TUCSON, ARIZ.
NATANI, MARY	WINNEBAGO	5187 MC ARTHUR BLVD.,N.W.,WASHINGTON,D.C
NECONISH, BLACKHAWK	MENOMINEE	PHLOX, WIS.
NICODEMUS, LAWRENCE	COEUR D'ALENE	PLUMMER, IDAHO
NINHAM, LEE	ONEIDA	ONEIDA, WIS.
NOBLE, JOAN	UTE	ROOSEVELT, UTAH
NULLAKE, RICHARD	SAC AND FOX	3717 N. FREMONT, CHICAGO, ILL.

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NAME	TRIBE	HOME ADDRESS
O'CONNOR, WILLIAM	YANKTON SIOUX	LAKE ANDES, S. D. BOX 781
O'LOUGHLIN, CAROL J.	ONEIDA-MOHAWK	926 E. BROADWAY, CHICAGO, ILL.
OLD COYOTE, LLOYD	CROW	CROW AGENCY, MONT.
OLD PERSON, EARL	BLACKFEET	BROWNING, MONT.
ONEFEATHER, JOE	OGLALA SIOUX	PINE RIDGE, S. D.
ORTIZ, DOROTHY	ACOMA PUEBLO	MC CART'S, N. M.
ORTIZ, FRANK L.	ACOMA	BOX 318 SAN FIDEL, N. M.
OWEN, AMOS A.	SIOUX	WELCH, MINN.
OWL, REV. W. DAVID	EASTERN CHEROKEE (N.C.)	VERSAILLES, N. Y.
OWL, GEORGE A.	CHEROKEE	CHEROKEE, N. C.
OWL, MRS. JANIE C.	SENECA (OKLAHOMA)	VERSAILLES, N. Y.
PAINE, RAVINA	POTOWATAMI	15585 ELEVEN MILE RD., ROSEVILLE, MICH.
PASQUAL, CLAUDIS	ACOMA	BOX 594, GRANTS, NEW MEXICO
PARKER, FRANK W.	SHOSHONE-BANNOCK	BOX 183, FORT HALL, IDAHO
PARNALEE, HOLLY	SCHAGICOOKE	610 CHAPSEY HILL RD., BRIDGEPORT, CONN.
PAUL, WILLIAM, SR.	TLINGIT	1521 16th AVE. E., SEATTLE, WASH.
PEDERSEN, RACHEL	WINNEBAGO	1113 EDGEWATER, SIOUX CITY, IOWA
PETERS, MRS. ELSIE	SIOUX	MORTON, MINNESOTA
PETERSON, HELEN L.	OGLALA-SIOUX	1314 CONN. AVE. N.W., WASHINGTON, D.C.
PETRIE, MRS. FLETA CHILDS	CHEROKEE	6701 S. GRETIER ST., CHICAGO 49, ILL.
PIERCE, EARL BOYD	CHEROKEE	MUSKOGIE, OKLAHOMA
PIETZ, FRANCIS L.	CHIPPEWA	810 LELAND AVE., CHICAGO, ILL.
PIPESTEM, FRANCIS	OTOE-MISSOURI	BOX 35, CHILOCCO, OKLAHOMA
PITTS, PAUL	OSAGE	PAWHUSKA, OKLAHOMA
POOR BEAR, ENOS	OGLALA-SIOUX	PINE RIDGE, SOUTH DAKOTA
PONCHO, ROLAND	ALABAMA-COUSHATTA	1431 W. BARRY ST., CHICAGO, ILL.
POTTS, MARIE	MAIDU	2727 SANTA CLARA WAY, SACRAMENTO, CALIF.
POWER, SUSAN L.	STANDING ROCK SIOUX	423 BLACKHAWK, APT. 5P1, CHICAGO, ILL.
POWLESS, ELI	ONEIDA	3410 S. BELL ST., CHICAGO, ILL.
POWLESS, LOYS	ONEIDA	SEYMOUR, WISC.
PREBBLE, MRS. CATHERINE L.	KANSAS,NEBRASKA,IOWA	RULO, NEBRASKA
PRIETO, DORA JOYCE	AGUA CALIENTE	888 N. SUNRISE WAY, PALM SPRINGS, CALIF.
QUILL, FLORENCE	COLVILLE	OMAK, WASHINGTON
RAASCH, MRS. MARGRET	STOCKBRIDGE-MUNSEE	BOWLER, WISCONSIN
RAINER, JOHN C.	TAOS	BOX 515, TAOS, NEW MEXICO
RAYMOND, ART	SIOUX	423 W. B AVE., MITCHELL, S.D.
REAL BIRD, EDISON	CROW	CROW AGENCY, MONTANA
REAL BIRD, JAMES	CROW	CROW AGENCY, MONTANA
REANO, LEO E.	SANTO DOMINGO PUEBLO	SANTO DOMINGO PUEBLO, NEW MEXICO
RED CLOUD, WILLIAM	CHIPPEWA	2732 W. 6th AVE., GARY, IND.
RED DOOR, EDMOND	SOUIX	BOX 656, POPLAR, MONTANA
RED FEATHER, BETTY	CHEROKEE	819 E. ST. CLAIR ST., INDIANAOPOLIS, INDIANA
REDWING, KATIE	SIOUX	5443 N. WINTHROP ST., CHICAGO, ILL.
REDWING, MARY	NARRAGANSETT	DRAWER 502, WESTERLY, RHODE ISLAND
REED, LUCINDA	TUSCARORA	MOUNT HOPE RD., SANBORN, N.Y.
RICHARDSON, BALDY EDWARD	HALIWA	HOLLISTER, NORTH CAROLINA
RICHARDSON, W. R.	HALIWA	HOLLISTER, NOTH CAROLINA
RICKARD, KAREN	TUSCARORA	TUSCARORA, NEW YORK
RICKARD, WILLIAM	TUSCARORA	SANBORN, NEW YORK
RIDDELL, MARY A.	QUINALT	317 45th ST., NEW YORK CITY, N.Y.
RIGGS, PETE	NAVAJO	247 WINDOW ROCK, ARIZONA
RING, PRESTON	SIOUX	6928 N. WAYNE AVE., CHICAGO, ILL.
RIVERS, ANTHONY	CHEYENNE RIVER SIOUX	EAGLE BUTTE, SOUTH DAKOTA
ROBINSON, GEORGEANNE	OSAGE	1406 PRAIRIE HEIGHTS DR., BARTLESVILLE, OKLAHOMA
ROBINSON, LINCOLN	OTTAWA	40 W. LONG ST., COLUMBUS, OHIO
ROLIN, REV. BROOKS R.	CREEK	ROUTE 3, BOX 205, ATMORE, ALA.
ROLIN, LELA	CREEK	ROUTE #
ROWLODGE, JESSE	ARAPAHO OKLAHOMA	GEARY, OKLAHOMA
RUMLEY, ELLA	PAPAGO	3034 RICKEY VISTA, TUCSON, ARIZ.
RUSSELL, ANGELA	CROW	LODGE GRASS, MONTANA
RUSSELL, WILLIAM	CROW	LODGE GRASS, MONTANA
ST. CYR, LILLIAN	WINNEBAGO	458 W. 35TH ST., NEW YORK 1, N. Y.
SALVADOR	ACOMA-PUEBLO	SAN FIDEL, N. M.
SAUBEL, GWEN	AGUA CALIENTE	888 NO.SUNRISE WAY,PALM SPRINGS,CALIF.
SAUBEL, KATHERINE	CAHULLA	BOX 373, BANNING, CALIF.
SAVILLA, AGNES	MOJAVE	PARKER, ARIZ.
SCOTT, DUART	MESQUAKIE	3717 NO. FREMONT, CHICAGO, ILL.
SCOTT, SONIA	CHIPPEWA	2622 MILDRED, CHICAGO, ILL.
SEBASTIAN, MRS. HAZEL	CAYUGA	8760 TROY, OAK PARK 37, MICH.
SEGUNDO, FLORA	PAPAGO	4516 NO. BEACON, CHICAGO, ILL.

NAME	TRIBE	HOME ADDRESS
SEGUNDO, THOMAS A.	PAPAGO	4516 NO. BEACON, CHICAGO, ILL.
SENECAL, ALFRED	FLATHEAD	RT. 1, ROMAN, MONT.
SHANKLE, MRS. LETITIA	OSAGE	1224 S. NORFOLK, TULSA, OKLA.
SHOCK, HELEN C.	MOHAWK	3816 HIAWATHA DR., MICHIGAN CITY,IND.
SIGANA, ANDREW L.	RED LAKE BAND OF CHIPPEWA	RED LAKE, MINN.
SINE, MRS. RUTH	WINNEBAGO	UTICA, ILL.
SINE, SAMSON	WINNEBAGO	UTICA, ILL.
SKENADORE, ABBIE	ONEIDA	ONEIDA, WIS.
SKY EYES, ANITA	CHEROKEE	5321 CORNELL AVE., CHICAGO 15, ILL.
SMITH, ALPHEUS	ONEIDA-CONSOLIDATED TRIBES	MILWAUKEE, WIS.
SMITH, MRS. DELIA	ONEIDA CHIPPEWA CONSOLIDATED	MILWAUKEE, WIS.
SMITH, JUANITA	CHIPPEWA	830 N. ALTGELD, CHICAGO, ILL.
SMITH, KENNETH (STRONG HORSE)	PUEBLO,EAST NARRAGANSETT	74 FREMONT ST., MERIDEN 13, CONN.
SMITH, KERMIT	ASSINABOINE SIOUX	FORT PECK, MONT.
SMITH, LOTTIE M.	MOHAWK	13143 LONGVIEW, DETROIT 15, MICH.
SMITH, WILLIAM R.	ASSINABOINE SIOUX	FORT PECK, MONT.
SOMAN, MICHAEL	MENOMINEE	NEOPIT, WIS.
STANDS IN TIMBER, JOHN	NORTHERN CHEYENNE	LAME DEER, MONT.
STATELY, LOUIS F.	RED LAKE BAND OF CHIPPEWA	RED LAKE, MINN.
STEELE, DORRANCE	SIOUX	POPLAR, MONT.
STEINMETZ, MRS. BETTY LOU	NORTH CAROLINA CHEROKEE	143 GREENACRE DR.,WOODBRIDGE,VA.
STEWART, CLARENCE	CROW	P.O. 429, CROW AGENCY, MONT.
STEVENS, GEORGE H.	SAN CARLOS APACHE	SAN CARLOS, ARIZ.
STILLMAN, FRANCES	MOJAVE	521 MERRIMAN AVE., NEEDLES, CALIF.
STUART, CLARENCE	CROW	BOX 429, CROW AGENCY, MONT.
SUNN, GEORGE, JR.	WINNEBAGO	SIOUX CITY, IOWA
SWINGLEY, MEADE M.	BLACKFEET	BROWNING, MONT.
TAKES GUN, AGNES	CROW	ALBUQUERQUE, N. M.
TAKES GUN, FRANK	CROW	ALBUQUERQUE, N. M.
TALLCHIEF, CECELIA	OSAGE	BOX 621, FAIRFAX, OKLA.
TAVAPONT, HARRIETT	UTE	WHITEROCK, UTAH
TEBOE, RICHARD	WINNEBAGO	3163 S. GREEN ST., CHICAGO, ILL.
THOM, MELVIN D.	NORTHERN PAIUTE	BOX 132, SCHURZ, NEV.
THOMAS, ROBERT K.	CHEROKEE	MONTEITH COLLEGE, WAYNE UNIVERSITY, DETROIT, MICH.
THOMAS, ROGER	CHIPTEWA CONSOLIDATED TRIBES	MILWAUKEE, WIS.
TILLAHASH, ARTHUR	SHIWIVITS BAND OF PIAUTES	ST. GEORGE, UTAH
TINSLEY, JOHN	CHOCTAW	PHILADELPHIA, MISS.
TORO, HENRY	PAPAGO	TUCSON, ARIZ.
TORO, PHILBERT	PAPAGO	TUCSON, ARIZ.
TREBIAN, ART	WONKER	4143 N. SHERIDAN ROAD, CHICAGO, ILL.
TREPANIA, JOE	LACCOURT OREILLES CHIPPEWA	HAYWARD, WIS.
TWINS, MC LAIN	CHEYENNE	5235 GLOBE AVENUE, NORWOOD, OHIO
TWINS, MARIE	SIOUX	5235 GLOBE AVE., NORWOOD, OHIO
TWO HAWK, WEBSTER	ROSEBUD SIOUX	LAKE ANDES, S. D.
TYNER, SALLIE H.	ABSENTEE SHAWNEE	RT. 5, BOX 225, SHAWNEE, OKLA.
VOCU, LEO	OGLALA SIOUX	KYLE, S. D.
VORHEES, WALTER	PAIUTE (WALKER RIVER)	SHURZ, NEV.
WAHENEKA, DOLAN (SON OF GRANT)	WARM SPRINGS	1187 NO. U.S. 23, EAST TAWAS, MICH.
WAHENEKA, EMILY	WARM SPRINGS	1187 NO. U.S. 23, EAST TAWAS, MICH.
WAHENEKA, GRANT	WARM SPRINGS	1187 NO. U.S. 23, EAST TAWAS, MICH.
WAKEFIELD, FRANCIS	OTTAWA	158 PROSPECT AVE.,N.E.,GRAND RAPIDS,MICH.
WAKEMAN, RICHARD K.	FLANDREAU SANTEE SIOUX	FLANDREAU, S. D.
WALKER, MISS CELIA	MIAMI-OSAGE	1224 S. NORFOLK, TULSA 20, OKLA.
WALKER, HANS, JR.	MANDAN	NEWTOWN, N. D.
WALKER, HATTIE THUNDERCLOUD	WISCONSIN WINNEBAGO	1449 W. BERTEAU, CHICAGO, ILL.
WALKER, MELVIN	MANDAN - HIDATSA	1449 W. BERTEAU, CHICAGO, ILL.
WALKER, MERCY B.	MANDAN	MANDAREE, N. D.
WALKER, TILLIE	MANDAN	321 E. 11TH, DENVER, COLO.
WALL, WILLIAM A.	CROW	PRYOR, MONT.
WARD, LEROY	QUECHAN	BOX 16, WINTERHAVEN, CALIF.
WARHOL, MRS. PETER	SIOUX	2803 BRYANT AVE.,NO.,MINNEAPOLIS 11,MINN.
WARREN, DAVE	CHIPPEWA TEWA	298 PLACITAS RD.,N.W.,ALBUQUERQUE, N.M.
WARRIOR, CLYDE	PONCA	RT. 4, PONCA CITY, OKLA.
WASESKUK, ROBERT	MESQUAKIE	TAMA, IOWA
WELCH, MARGARET	SIOUX CHIPPEWA	MILWAUKEE, WIS.
WELLS, RALPH	ARICKARA	RAUB, N. D.
WELSH, MRS. HELENE C.	OJIBAWAY	L'ANSE, MICH.
WESLEY, CLARENCE	SAN CARLOS APACHE	SAN CARLOS, ARIZ.
WESO, JENNIE	MENOMINEE	KESHENA, WIS.
WESO, MONROE M.	MENOMINEE	KESHENA, WIS.
WEST, KENNETH H.	CHEYENNE RIVER SIOUX	EAGLE BUTTE, S. D.

NAME	TRIBE	HOME ADDRESS
WETSIT, JOSHUA	ASSINIBOINE	WOLF POINT, MONT.
WETSIT, MRS. JOSHUA	ASSINIBOINE	WOLF POINT, MONT.
WETZEL, WALTER	BLACKFEET	BOX 715, CUT BANK, MONT.
WHEELOCK, MORRIS	ONEIDA CONSOLIDATED TRIBES	MILWAUKEE, WIS.
WHISTLER, REX	SAC AND FOX	NORMAN, OKLA.
WHITE, FELIX	WINNEBAGO	WINNEBAGO, NEBR.
WHITE, MRS. FELIX	WINNEBAGO	WINNEBAGO, NEBR.
WHITE, JOHN	CHEROKEE	5425 WOODLAWN, CHICAGO, ILL.
WHITE EAGLE, CHARLES	WINNEBAGO	WISCONSIN
WHITE EAGLE, EVANGELINE	WISCONSIN WINNEBAGO	5187 MAC ARTHUR BLVD., WASHINGTON 16, D.C.
WHITE EAGLE, JOHN	WISCONSIN WINNEBAGO	5187 MAC ARTHUR BLVD., WASHINGTON 16, D.C.
WHITE EAGLE, MRS. JOHN, SR.	WINNEBAGO	5187 MAC ARTHUR BLVD., WASHINGTON 16, D.C.
WHITE EAGLE, JOSEPHINE	WINNEBAGO	1878 ROBLYN AVE., ST.PAUL 4, MINN.
WHITE EAGLE, LUVERNE	WINNEBAGO	WISCONSIN
WHITE EAGLE, ROSANNA	WINNEBAGO	5187 MAC ARTHUR BLVD.,N.W.,WASHINGTON 16,D.C.
WHITEMAN, ARLIS	CROW	LODGE GRASS, MONT.
WHITERABBIT, MITCHELL	WINNEBAGO	RT.4,WINNEBAGO INDIAN MISSION, BLACK RIVER FALLS, WIS.
WHITE TREE, RICHARD	SENECA	RT. 1, SENECA, MO.
WIDMARK, ALFRED	TLINGIT	KLAWOEK, ALASKA
WILBER, EDWIN	MENOMINEE	KASHENA, WISC.
WILBER, MRS. MARGARET	MENOMINEE	KASHENA, WISC.
WILBER, WILBUR	MENOMINEE	KASHENA, WISC.
WILKIE, BRUCE	MAKAH	2204 N. UNION ST., APT. A, TACOMA 7, WASHINGTON
WILKIE, JOYCE	CHIPPEWA	ROUTE # 2, BOX 10, RAILA, N.D.
WILKINSON, JOHN	FORT BERTHOLD	EMMET, NORTH DAKOTA
WILLIAMS, JOHN	SIOUX	614 E. 71st ST., CHICAGO, ILL.
WILLIAMS, MICHAEL B.	POTAWATOMI	NILES, MICHIGAN
WILSON, WOODROW	SOUTHERN CHEYENNE	THOMAS, OKLAHOMA
WINCHESTER, JOHN R.	POTAWATOMI	DETROIT, MICHIGAN.
WINCHESTER, JULIA	POTAWATOMI	329 WISCONSIN ST., OAK PARK, ILL.
WINNIE, LUCILLE	SENECA CAYUGA	4153 N. ASHLAND, CHICAGO, ILL.
WITT, SHIRLEY	MOHAWK	P.O. BOX 81, SOUTH HADLEY, MASS.
YELLOWTAIL, ROBERT	CROW	LODGE GRASS, MONTANA
YORK, EMMIT	CHOCTAW	ROUTE 7, PHILADELPHIA, MISS.
YOUNG BEAR, GEORGE	SAC AND FOX	806 W. DICKENS, CHICAGO, ILL.
YOUNG MAN, ETTA	SIOUX	PINE RIDGE, SOUTH DAKOTA

APPENDIX 9

ROSTER OF COMMITTEES

Chairmen (one for each day)

Justice Earl Welch, Chickasaw, Oklahoma City, Oklahoma
Justice N. B. Johnson, Cherokee, Oklahoma City, Oklahoma - June 14
Edison Real Bird, Crow Agency, Montana (Crow) - June 15
Clarence Wesley, San Carlos, Arizona (San Carlos Apache) - June 16
Raymond Enos, Scottsdale, Arizona (Pima) - June 17
Anthony Rivers, Eagle Butte, South Dakota (Cheyenne River-Sioux) - June 19
Mrs. Catherine Prebble, Rulo, Nebraska (Kansas-Nebraska-Iowa) - June 20

Credentials Committee

Waunetta Dominic, Peteskey, Michigan (Ottawa)
Agnes Savilla, Parker, Arizona (Mojave)
Harry H. Hopkins, Beaumont, California (Mission)
Robert Burnette, Rosebud, South Dakota (Rosebud - Sioux)

Leo Vocu, Kyle, South Dakota (Oglala Sioux)
Emmet York, Philadelphia, Mississippi (Choctaw)
Mrs. Irene Mack, Neopit, Wisconsin (Menominee)
Mrs. Marie Potts, Sacramento, California (Maidu)
Arthur Tillahash, Enterprise, Utah (Paiute)
Alfred Widmark, Klawoek, Alaska (Tlingit)
John B. Cummins, Lodge Grass, Montana (Crow)
Rev. Vine Deloria, Pierre, South Dakota (Rosebud - Sioux)
David Little Swallow, Newton, North Dakota (Mandan)

Drafting Committee

D'Arcy McNickle, Boulder, Colorado (Flathead)
Erin Forrest, Alturas, California (Pitt River)
John C. Rainer, Taos, New Mexico (Taos)
Georgeann Robinson, Bartlesville, Oklahoma (Osage)
Helen Peterson, Washington, D. C. (Oglala Sioux)
Tom Mason, Chicago (Chippewa)
Helen Miner Miller, Franklin Park, Illinois (Wisconsin - Winnebago)
Helen Maynor, Pembroke, North Carolina (Lumbee)
Ray Goetting, Grants, New Mexico (Caddo)
Arlis Whiteman, Lodge Grass, Montana (Crow)
Clyde Warrior, Ponca City, Oklahoma (Ponca)
Robert Yellowtail, Lodge Grass, Montana (Crow)
E. W. Morigeau, Polson, Montana (Flathead)
Dan Howard, Morristown, South Dakota (Standing Rock - Sioux)
John A. Anderson, Couderay, Wisconsin (Chippewa)
Earl Boyd Pierce, Muskogee, Oklahoma (Cherokee)
Rex Whistler, Norman, Oklahoma (Sac and Fox)
Leslie Fourstar, Fort Peck, Montana (Assiniboine)
Roger A. Jourdain, Red Lake, Minnesota (Red Lake Band of Chippewas)
William Paul, Sr. Alaska (Tlingit)
Pete Homer, Sr., Parker, Arizona (Mojave)
Lloyd Eagle Bull, Pine Ridge (Oglala Sioux)
Vincent Adolph, Omak, Washington (Colville)
Frank W. Parker, Fort Hall, Idaho (Bannock)
Arthur Hayball, Fort Hall, Idaho (Shoshone)

Secretaries

Hazel Cuny, Rapid City, South Dakota (Oglala Sioux)
Rosanna White Eagle, Washington, D. C. (Winnebago)

Steering Committee

Benjamin Bearskin, Chicago, Illinois (Winnebago-Sioux)
The Rev. John J. Brown, S. J., Pryor, Montana (Blackfeet)
Austin Buckles, Fort Peck, Montana (Assineboine)
Dibbon J. Cook, Sprague River, Oregon (Klamath)
The Rev. Vine Deloria, Pierre, South Dakota (Sioux)
George D. Heron, Red House, New York (Seneca)
Fred Kabotie, Oraibi, Arizona (Hopi)
George Kenote, Kashena, Wisconsin (Menominee)
Judge Lacey Maynor, Pembroke, N. C. (Lumbee)
Howard McKinley, Fort Defiance, New Mexico (Navajo)
D'Arcy McNickle, Boulder, Colorado (Flathead)
Helen Peterson, Washington, D. C. (Oglala Sioux)
Marie Potts, Sacramento, California (Maidu)
John C. Rainer, Taos, New Mexico (Taos Pueblo)

Anthony Rivers, Eagle Butte, South Dakota (Cheyenne River Sioux)
Georgeann Robinson, Bartlesville, Oklahoma (Osage)
Clarence Wesley, San Carlos, Arizona (Apache)
Alfred Widmark, Klawoek, Alaska (Tlingit)
Helen Miner Miller, Chicago, Illinois (Winnebago)

Rules Committee

Henry DeCourse, Yuma, Arizona (Quecham)
James Frechette, Keshena, Wisconsin (Menominee)
William Hollowbreast, Lodge Grass, Montana (Northern Cheyenne)
Philip Martin, Phila., Miss. (Choctaw)
Howard McKinley, Fort Defiance, Arizona (Navajo)
Judge L. Maynor, Pembroke, North Carolina (Lumbee)
Woodrow Wilson, Thomas, Oklahoma (Southern Cheyenne)
Cecil Addison, New Haven, Conn. (Mohawk-Cherokee)
Frank Hawkins, Washington (Snohamish)
Leona Gonzalez, Sanborn, New York (Tuscarora)
John Winchester, Dowagiac, Michigan (Potawatomi)
Emerson Eckiwardi, Lawton, Oklahoma (Comanche)
Rev. B. Frank Belvin, Okmulgee, Oklahoma (Choctaw)
J. Edmund Red Door, Poplar, Montana (Sioux)

Chapter 2: American Indian Tribes in the 21st Century

Introduction

Terry Straus, Editor
College Faculty for Community Studies
NAES College, Chicago

Termination threatened the legal and political status of American Indian tribes until 1961 when Indian people from various tribes and communities came together in the American Indian Chicago Conference. Twenty-five years later, though considerable progress has been made, the issues outlined in the Declaration of Indian Purpose developed at that conference are still current. Termination is no longer officially endorsed and assimilation has not occurred; but the survival of tribes in the 21st century is by no means assured. Certain critical issues, identified in the 1961 Declaration, are addressed in the following papers which commemorate the Chicago Conference as they look forward to the 21st century.

Each of the papers was presented and discussed at one of two academic seminars organized by NAES College, the first involving only participants affiliated with NAES, the second reaching out beyond the college and its various campuses. Language loss was the topic of the first seminar. As Robert V. Dumont, Jr. and David Kaudy point out in the first paper, language issues must be seen to underlie certain significant problems in tribal government at Fort Peck and elsewhere. Tribal government and inter-governmental relations became the theme of the second seminar.

The major paper in the first seminar was given by NAES Board of Trustees member Robert K. Thomas. Thomas notes that of the various needs identified in the Declaration of Indian Purpose, cultural continuity has been the least well addressed. Language loss has accelerated since 1961 and this has grave implications for the survival of Indians as tribal people. His insistence that we have only five years to reverse this trend, evoked a lively response (available on audio cassette) from NAES College Bilingual Education Program instructors Rose Barstow, Margaret Boney, and Lola Hill, who discussed the role of bilingual education programs and the possibility of maintaining Indian, if not tribal, identity in the face of tribal language loss. The existence of tribally specific patterns of Indian English and the emergence of urban Indian speech communities are discussed in a paper prepared by NAES students at the Chicago study site.

In the decades following the American Indian Chicago Conference, while other minority peoples sought integration and civil rights as individual citizens, Indian people worked through the courts to protect and affirm the special rights of

tribes and to establish the jurisdiction of those tribes. The legal and political struggle continues today and is fundamental to the survival of tribes as political entities. The issues are complex and compelling, the task enormous. Tribal governments face internal problems, as discussed by both Dumont and Thomas. Inter-governmental relations among tribal, local, state, and federal governments have also been problematic: tribal and state governments have generally been adversaries. Rethinking and re-structuring these relations is one of the important tasks facing Indian leaders today.

David Beaulieu provides a hopeful note by describing positive aspects of state-tribal relations in Minnesota. His paper demonstrates the value of cooperative inter-governmental relations and the advantage to urban Indian communities of enlightened state government. It must, however, be set in its proper political and historical context, recalling that Public Law 280 (which accounts for much of the state responsibility in Minnesota) began as part of the termination effort.

Ada Deer, whose oral presentation is available on audio cassette, represented a national Indian perspective. She argued enthusiastically for a change in attitude in Indian tribes and communities towards federal Indian policy, legislation and administration. Indian people, she insisted, must cease merely to react to federal initiative: they must become pro-active, shaping and directing federal Indian policy themselves.

Tribal sovereignty and tribal jurisdiction have become central legal and political issues; but cultural continuity cannot be accomplished in the courts or the Congress. The possibility and the necessity for integrating efforts in both these directions are demonstrated in the Dumont-Kaudy paper with which we begin.

Tribal Government and the 21st Century

Robert V. Dumont, Jr. and David Kaudy

(Both Mr. Dumont and Mr. Kaudy are members of the NAES College Faculty at the Fort Peck Reservation Study Site. Mr. Dumont is Senior Resident Faculty and Mr. Kaudy is College Faculty for Legal Studies.)

As tribes throughout the United States prepare to enter the 21st century they will be a part of what surely is to be a new world. It will be one of beginnings, the likes of which American Indian tribes have not faced previously. There will be at that time some 500 years of legal precedent which regulates the course of tribal governments' relationships with the United States and many areas within the tribe itself. This has made tribes like nations within a nation but not wholly so. It has prescribed a kind of sovereignty but one complexly restricted; it has provided a federal trusteeship to protect a tribe's money and property but in which a tribe's assets cannot or will not be ascertained; it has prescribed a tribal self-government but one that is carried out in regulated federal models; and lastly, it has prescribed economic self-sufficiency but one in which the tribal dollar as part of tribal economic systems has limited functional value in the federal formula.

Tribal governance is carried out today within this framework, and it will continue to be, becoming progressively more complex and restricting. Tribes have survived through this because they have learned not to negotiate upon the extension of good faith or the promise of equity or just compensation. Instead, they have learned to negotiate with the knowledge that their survival is a part of the market place of money and property. Each year the price of survival escalates and tribal property takes on new and increased value in the American society. Inordinately high value and a premium price is currently placed upon the right of a tribe to enter the 21st century as a tribe responsible to itself and as a tribe within American society. How that price is negotiated now and in the years to come is what is of critical concern.

It is not the purpose of this paper to examine the constraints or the value of the tribal right, but to explore generally how tribes may move into the next century. The responsibility of tribal survival rests wholly within a tribe; others may assist, which has been a historical part of tribal survival, but responsibility for the maintenance and continuance of the tribe as a people comes from within the tribe and from no others. This is a difficult but critical fact to

accept. Contemporary history after the Allotment Acts of 1862 strongly suggests that tribes survived to the present day largely through the efforts of the liberal reformer whether within government, church or private association. However, the literature rarely if ever examines how and who within the tribe negotiated and maintained their survival for themselves. As the future is examined, it is precisely this that we must know and it is within this framework that responsibility takes on meaning. From this perspective, the condition of the American society to contain, to protect and to assure an equitable place for a tribe cannot be assured and certainly not trusted.

Tribes out of their own unique histories proceed with this lesson harshly learned. Each time that they have not carefully negotiated a tribal transaction with the American society, they have not necessarily lost, but what they secured was a condition of constraint exercised through the fundamental law of the United States, but not of the tribe. It is law that over the years we have come to know as Federal Indian Law.

The law teaches that today's Indian possesses attributes of dual citizenship and forms one type of relationship with one sovereign - his tribal government - and another type of relationship with another sovereign - the federal government. History teaches that this dual sovereignty concept is neither equal nor just and is barely comprehensible. Each regulating or legislating action by either sovereign power creates restrictions or boundaries within which the other sovereign must operate to be recognized as the other power.

History further teaches that there is considerably more power over the individual Indian by the federal sovereign and a rather diffused influence exercised by the tribal government; the imbalance adversely affects the relationship to tribal government of the individual. Protection of the rights of the tribe by tribal leadership is dependent upon negotiations which are held within a framework of "dual sovereignty" which has been defined and limited by the actions of the federal sovereign. The definitions and concepts of the tribal system are severely limited and are utilized on rare occurrences. As a result, over time, the dual sovereignty concept underpinning most judicial decisions has eroded into a concept and relationship undefinable within the usual context of the federal systems and is becoming more unwieldy and unmanageable with each passing regulation and precedent.

Added to this complexity, the legal foundations regulating the tribal-federal relationships are based upon a linguistic and cultural system of which tribes have been a part only recently. When a cultural perspective is assigned to this we find that it is language, the written English word, which has caused the greatest of problems both in defining the nature of the legal relationship and for both governments in their

attempts to interpret the meanings of these into their institutions. It is a simple fact that fundamental aspects of law cannot be easily translated from one language or cultural system to another using only one language. In fact, it is a near impossibility but it is the system used historically. How then is it different?

It differs only in that tribes are now ending one of the most quiet and profound revolutions of recent history - the incorporation of the written English word into the core of tribal life. Generally, this is termed schooling and education but from a comparative societal perspective of cultures in change. It reflects on the part of a tribe the learning of English as a literate, written language and bringing that into the non-literate tribal world (in which there is no form of the literate) so that literate has meaning. Societally it is a complex process. Begun in the 1700's as a part of forced assimilation, it is now carried out in tribal schools at all levels, in tribal community colleges and schools like NAES College.

Remarkably, the introduction of the English written word to tribes was not at an elementary level but at that of fundamental law of treaties and agreements with European countries and the United States. Because the structure and form of contemporary tribal governments emerge not from tribal society but from that of the United States, their constitutions and codes of law are in English. Also, it is the medium of communication in the day-to-day transactions between a tribe, and federal and state government, cast in the framework of law or contract or memorandum of agreement binding the tribe to a course of action. Incorporation of the written word into tribal life as is now taking place means that the tribe has also acquired not simply literacy but has the capacity to control the English written word, to make it work for the interests of the tribe, to allow it to construct benefit which secures the rights of tribe as government. This function until recently has existed outside of the tribe but it now can be formed within. In some places it is put to highly skillful and effective use and in others it brings disaster. When used properly, it brings meaningful translation and interpretation. The careful and skillful construction of the precise need and requirement is formed in the agreements with the federal and state government of the private corporation.

It is not an easy and quick step and it is fraught with great difficulty. Let us provide two examples, one of crisis and the other of success from our tribe, the Fort Peck Assiniboine and Sioux. In each case the written word is critical and pivotal in resolution. In 1927 a simple but effective written constitution was enacted by the Tribe who later rejected the IRA and amended its 1927 Constitution in 1955, creating a centralized executive board to handle better the onset of the new oil economy. The new economy precipitated

extreme chaos and crisis in government, so that in 1960 the Secretary of Interior intervened and established under Secretarial powers of "ward over guardian," the 1960 Constitution under which we govern today. It is restrictive, requiring each act of the Tribal government to be approved by the Superintendent of Indian Affairs and the Secretary may reject any tribal act without appeal. Last year the Council adopted a sweeping new comprehensive set of law and order codes. A well attended hearing to publicize that code had six people and other hearings had no one. The result was that the Tribe had new tribal civic law which the majority including those in government and court did not read. Certainly they had not been tested against application. By crisis it was tested.

The Tribal election immediately following the adoption of the codes was hotly contested because the Chairman for years stepped down, naming in his party a successor. That change solidified and entrenched for the period around the election a two party system which previously had been fluid, sometimes shifting to four parties. Shortly after the new government was convened, a council member without government consent secured through the courts an order for the accounting records of a major tribal enterprise. The council through informal action secured their return from the courts which were collected by a different council member and taken to a private home. From there a council member(s) contacted on his own the Inspector General's Office of the Department of Interior and raised adequate questions about the records so that the IGO agents came to the Reservation without tribal government knowledge and secured the records taking them to regional headquarters. As these acts became known, which was in a matter of days, there resulted a constitutional crisis in which the federal government was pitted against the tribal and the Tribal government was divided into two factions with one pitted against the Chairman's office and the Court. There were charges and counter charges of constitutional violation, fraud, impeachment, removal, pickets, guns, jailing and lawsuits. Government could not act, split in its vote and faced with having to resolve the crisis, it persisted well over six months. The problem emanated wholly from an unclear understanding of the fundamental law of the Tribe which is now in written English; resolution was in part through the negotiated writing but there has been in reality little resolution because actions and resolution are interpreted and held within the tribal mind and very little within the fundamental law written in English. The crisis in different form will return again until the literate is successfully integrated with the Tribal. It is interesting to note that in a neighboring Tribe a crisis similar in content and magnitude has occurred with comparable quasi-resolution.

Crisis is complex; the chaos has no order until it is over. Success is order, and it is precise. In 1982 the Tribe worked closely with Senator Melcher in the enactment of the

Indian Mineral Leasing Act. Under this Act, Fort Peck established the first joint venture and first wholly owned tribal oil well in sophisticated and highly profitable contractual agreements. The model was generated and regulated internally so that tribal members understood each element of the agreement. The resulting production profit and model was success internally developed and maintained. It was made by the Tribe, and for the Tribe. But who is the Tribe?

Historically, a tribe has been something greater than the sum total of its members. The term "tribe" has always been something else, something added, some sense of communality not found in other organized groups.

Because tribes exist today, they possess the right, power, and authority of self-government in the same fashion as other peoples. However, that authority of self-government, what we have come to refer to as sovereignty, is limited and restricted and continues each year to be more so. At any point the exercise of tribal authority for governance is regulated within these limitations and restrictions of what we have to call federal Indian law.

There is no such thing as "federal Indian law," but it is taught in law schools throughout this nation. It is commented upon endlessly in journals and reviews. Because it concerns a people, it carries their name before the word "law" in the same manner as "water law" or "patent law" of "tax law". A more accurate phrase would be "European common law as applied to Tribal Governments."

But this phrase, too, would be accurate only for the years early in the nineteenth century, before the time when the U.S. Congress began to legislate in the field of Indian Affairs. After Congress legislates, the more accurate term for Federal Indian Law is "European common law as applied to Tribal Governments and as given by the Congress of another, more powerful nation."

And when the Judicial arms of this other, more powerful nation became involved in the field of Indian affairs, the most that can be said for the accuracy of the term "federal Indian law" is that it is a constantly changing statement of the policies of international law; it is subject to the winds of change, to economics, and to politics. Therefore, this field is a history of how America treats tribal governments today based upon yesterday's happenings. The analysis of tribal governments requires a study of their relationship to another nation.

"The condition of the Indian in relation to the United States is perhaps unlike that of any other two people in existence," Chief Justice Marshall wrote in 1831. He likened their status to "a state of pupilage, their relationship to

the United States resembles that of a ward to his guardian," Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1, 8 LEd. 25 (1813).

The foundations of federal Indian law stem from a case that failed. The Cherokee Nation sought a temporary restraining order from the U.S. Supreme Court, so that the Court would order the State of Georgia to refrain from enforcing the Georgia laws that condemned their reservation and their way of life. But the U.S. Supreme Court refused.

It cannot be determined for whose good John Marshall refused.

> If it be true that the Cherokee nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future. ID., at 184.

But the very next year Marshall changed his mind, in Worcester v. Georgia, 31 U.S. (6 Pet.) 515, 8 L. Ed. 483 (1832). The state of Georgia could not imprison the white missionary who broke Georgia law by preaching the gospel on the Cherokee reservation without the license from the governor of Georgia. This particular Georgia law was a part of the very ones the Cherokee Nation has sought to have "TRO (Temporary Restraining Order)-ed" on their case the year before. The TRO failed, and the missionary was legally freed (after languishing in prison for a considerable time).

The Cherokee nation was not sufficiently sovereign to be a "foreign nation" nor did it have the recognized status required to bring suit against a state which legislated to violate a United States and Cherokee Nation Treaty. However, the Cherokee Nation was sufficiently sovereign so that the state could not extend its criminal laws into their reservation. The borders of the reservation determined the geographic boundaries into which the state could not reach.

Fifty years later the law changed through the case of United States v. McBratney, 104 U.S. 621, 26 L. Ed. 869 (1881). The State of Colorado contained the Ute Reservation, where McBratney murdered Casey, both white men. Unlike the white missionary who was freed from the Georgia imprisonment for preaching on the Cherokee reservation without a license, the white murderer was made to stand trial for murder on the Ute reservation. McBratney, although within the geographic boundaries of the reservation, was nonetheless within reach of the state law of Colorado. "...The State of Colorado...has acquired criminal jurisdiction over its own citizens and other white persons throughout the whole of the territory within its

limits, including the Ute Reservation..."

Is it not fortunate that Worcester preached rather than murdered? Is it only by chance that Worcester and McBratney were white? What is the difference between Georgia and Colorado? Or the Cherokee and Ute? There are no answers.

The Supreme Court determined that because these states were once territories, they were admitted as States into the Union on an equal footing with the original thirteen colonies. Therefore, their state courts have the jurisdiction to try non-Indians for state crimes committed against other non-Indians on Indian lands.

If the Court had said that tribal governments would probably have no interest in prosecuting white and non-Indian criminals, that tribal governments would not prosecute adequately or pay for the cost of incarceration, the McBratney case would make more sense. Perhaps the decision was right, but the reasoning was wrong. Rather than examination of the compacts and agreements of territories approaching statehood for clauses retaining or divesting jurisdiction in Indian country, the Court would better have served posterity by conducting an examination of the policies, interests and concerns of tribal governments.

One case in which the interest of the tribe was examined and which took the Indian viewpoint was Ex Parte Crow Dog, 109 U.S. 556, 3 S. CT. 396, 27 L. Ed. 1030 (1883). The crime was murder, committed by Crow Dog upon Spotted Tail within Indian Country.

The judge determined that tribal governments offer an internal and known code to be followed by tribal members; basic fairness also dictates that tribal governments handle the matter rather than external and unknown federal courts.

But then, two years later in 1885, Congress enacted the Major Crimes Act, 23, Stat. 385 U.S.C.A. #1153, and took for the Federal Government federal jurisdiction over seven specific crimes (later amended to fourteen). The Congressional statute was tested in United States v. Kagama, 118, U.S. 375, 6 S. CT. 1109, 30 L. Ed. 228 (1886); it involved two Indians murdering another Indian on the Hoopa Valley Reservation in California. However, the discussion concerned the limited sovereign aspect of the tribes.

> These Indian tribes are the wards of the nation. They are communities dependent on the United States. Dependent largely for their daily food. Dependent for their political rights. They owe no allegiance to the States, and receive from them no protection.

Thus, a Congressional statute taking federal jurisdiction over certain crimes at the same time took away from the tribal governments and from the states enclosing the reservation the power and jurisdiction over these crimes. The case of Williams v. Lee (358 U.S. 217, 79 S, Ct. 269, 3 L. Ed. 2nd 251, 1959) articulated best the status of tribal governments and their relation to the states: "Essentially, absent governing Acts of Congress, the question has always been whether the state action infringed on the rights of reservation Indians to make their own laws and be ruled by them". Effective determination of "what constitutes infringement" involves unibased electoral legislation, law making, policy setting and judicial decision. The most vexing of these problems are the extent of a tribe's jurisdictional powers, and the nature of its own substantive law.

It is within the ambit of a tribal government's powers to determine the nature and extent of its own sovereignty, and the extent to which that sovereignty has been altered, divested or diminished, by treaty, by law, or by Executive Policy. In 1985, National Farmers Union Insurance Co. v. Crow Tribe, 45 CCH S. CT Bull. P. No. 84-320 (1985) recognized that this examination is to take place in the tribal courts in the first instance, and that the federal courts can only later re-examine the issue after tribal court remedies have been previously exhausted. The Crow tribal courts had entered a default judgment against a state school district for damages involving a tribal member who was struck and injured by a motorcycle on state-owned school grounds within the reservation boundaries. The federal court was requested to issue a temporary restraining order against the tribal court, to prevent it from executing on the default judgment. But the State of Montana was not awarded a TRO (Temporary Restraining Order) against the tribal court; instead, the federal court said that the state's remedy should be left to the tribal court which in the first instance is to determine the extent of its own jurisdiction over non-Indians. Federal court intervention afterward will determine whether the tribal court exceeded the lawful limits of its jurisdiction. The tribal court's prime responsibility is thereafter to provide a full and complete record for scrutiny in the event appeal to federal courts is undertaken. It is the written word.

Unlike civil jurisdiction over non-Indians being granted to tribal courts, criminal jurisdiction over non-Indians has been assumed by state governments whose borders encase all reservations. The case of Oliphant v. Suquamish Indian Tribe, 435 U.S. 191, 98 S. Ct. 1011, 55 L. Ed. 2nd 209 (1978) determined that Congress has not allowed tribal governments to assume criminal jurisdiction over non-Indians who commit crimes on reservation lands against tribal members or against tribal officers. Tribal governments retain criminal jurisdiction only over their own members, and only in the areas of misdemeanors, or less serious crimes. Those specific

crimes listed in the Congressional statute require federal court prosecution; hence, the limited sovereign status of tribes encompasses: 1) No criminal jurisdiction over non-Indians, 2) Limited jurisdiction over Indians, 3) Full civic jurisdiction over both Indians and non-Indians, with an exhaustion of tribal court remedies required prior to federal appeals over non-Indians, and finally, 4) With only very limited federal appellate civic jurisdiction allowed over Indians, this being limited to habeas corpus writs.

This is the nature of federal respect for the sovereignty of tribal government; but what about state respect? What about the tribal member whose sheep are taken by a state deputy sheriff or county officer for sale for a debt owed by the tribal member? Rather than view this state court action as an infringement on tribal sovereignty, the Montana Supreme Court said that: "It is common knowledge that livestock on an Indian reservation stand in a peculiar status due to the government's policy of trying to make Indian citizens self-sufficient via livestock loans," in Kennerly v. District Court, 466 P. 2d 85, 89 (1970).

But Montana, according to the United States Supreme Court, was out of line: "Essentially, absent governing Acts of Congress, the question has always been whether the state action infringed on the right of reservation Indians to make their own laws and be ruled by them," Kennerly v. District Court, 400 U.S. 423, 91 S. Ct. 480, 27, 3 L. Ed. 2d 507 (1971), quoting from Williams v. Lee, 358 U.S. 217, 220, 79 S. Ct. 269, 271, 3 L. Ed. 2d 251, (1959).

Thus, in the realm of civic jurisdiction, tribal governments are faced with four aspects of the same question: First is the question of whether a state law infringes on the rights of tribal governments to make their own laws and be ruled by them; second, it must be determined to what extent they have retained the power to regulate the affairs of non-Indians; third is the extent of their own jurisdiction; and fourth, the nature of the insubstantive law. It is the written word.

Conclusion

This is but a part of the maze of the binding written word through which a tribe must proceed. The federal government can say as the courts did in Farmers Union Insurance v. The Crow Tribe in 1985 that a tribal court's responsibility is to provide a full and complete record for scrutiny in event of appeal to Federal court; this is the written word by the tribe. In the same year the Assistant Secretary of Indian Affairs stated that "judicial integrity" must come to tribes. He advocated federal intervention to accomplish this, but has stated that he will refrain because of the federal support of tribal self-determination.

No matter, the words are said in writing, in federal comment and law. Both the capacity of a tribe to govern and to act judicially, rest upon a "full and complete record." For tribes this is their written word in English, writ large. How then shall a tribe proceed into the 21st Century? Simply, it is to be determined by the degree that its oral tribal tradition can control the English written word to reflect the tribal, which in turn can be integrated into fundamental law.

LANGUAGE AND CULTURE:
PERSISTENCE, CHANGE AND DISSOLUTION OF TRIBAL SOCIETY
POSITION PAPER

Robert K. Thomas, Director
American Indian Studies
University of Arizona

The Chicago American Indian Conference of 1961 culminated in a document called the Declaration of Purpose. This document was a summation of the "sense" of the Conference and was largely oriented toward influencing federal government policy. My reading of the Declaration of Purpose indicates two specific concerns and another more general concern.

The two specific concerns were self-determination and economic development, and the more general concern was the issue of cultural preservation. However, one gets the impression that the framers of the Declaration of Purpose felt that if the Indian land base was made secure and tribes were given decision-making power within a firm and lasting federal Indian framework, then Indian cultural (and social?) survival was assured. More, throughout the document there is an implicit faith that a higher educational level of Indians is essential in the solving of all these "problems."

Let me briefly evaluate these thrusts of the Declaration of Purpose, some twenty five-years later. Tribal governments have indeed achieved some degree of self-determination in the last twenty-five years. There has been no legal transfer of power from the federal government to tribes in this period, but the approval of the Secretary of Interior over the acts of tribal councils is now largely pro forma for all except very important issues. As the educational level of Indians has increased and as Indian politicians and administrators have come to share a common outlook (a common sense of problem and solutions) with federal administrators, the Department of Interior has come to trust the judgment of tribal governments.

Secondly, the federal policy of contracting services to tribal governments has given the "institution" of tribal government some clout, and has involved more local people in the political process because of now available political patronage. In some tribes, political machines have been built on this political patronage system.

There has been some modicum of economic development in the last twenty five years, particularly mineral resource development. (Presently, the competition between whites and

Indians for resources - minerals, water, land, space, clean air, etc. - is reaching a crisis point in parts of the southwest and northern plains). However, the major source of rural Indian income has come to be employment in tribal programs, and the economy of most tribes has suffered recently due to federal budget cuts over the past few years.

It is the area of cultural survival (and, perhaps, future social survival) that one sees the major problem for Indians in these days. The Chicago American Indian Conference did not adequately assess the dangers to Indian culture in 1961, nor could the Conference foresee new forces which would appear on the Indian scene in the '60s and '70s; forces which would adversely affect Indian cultural survival.

Some 50% of all American Indians now live in cities, and the majority of this present-day population are young people who were born and raised in the city. Many of them seem to me very much like other urban young people of a similar class level. Indians of the inner-city do associate a lot with other Indians and visit or spend long periods at "home." However, those Indians who live in mixed ethnic working class areas, at least 50% of city Indians, seem to me to be in the process of social absorption.

Some observers feel that urban Indians will, because of the heightened consciousness which develops from a city experience, spark off a cultural revival which will revitalize Indians as a whole. However, such efforts are yet in their infancy. More, Indians have as yet no intellectual "class" which could conceptualize and define such a movement.

Rural Indian communities, both those on and off reservations, vary considerably at present. On some reservations, most adults between 25 and 50 are away working in the city, leaving behind older people, children, and very young adults. Such communities may well be in the process of social absorption. Other Indian communities are more socially whole. But most evidence serious social ills - alcoholism, juvenile crime, etc.; plus, deteriorating health. And most importantly, nearly all tribes are showing considerable cultural and language loss.

It is my impression that most rural Indians under 40 are very different from those over 40 - more materialistic, more interested in acquiring social rank among both Indians and whites, more individuated and thus less committed to home and kin, more secular, more "impolite" (by Indian standards), etc. More, few Indians under 40 see themselves as members of distinct, unique, autonomous peoples who are surrounded by a more numerous and powerful society. They see themselves simply as an American variant with a special heritage. After two and one-half decades of integrated schools, head start programs, a high educational level, TV, and social welfare programs (low-

cost housing, A.D.C., etc.) which have weakened the Indian family it is no surprise that these above changes have come about; nor that the vast majority of rural Indians under 40 are not teaching their children an Indian language.

Many tribes have no native curers, medicine men, at all now. In other tribes, young and middle-aged people are not becoming curers. The same is true of ceremonial leaders, as well. Indian religions in most tribes will disappear when Indians who are over 40 die off, if present trends continue. A key factor in this cultural endangerment is language loss. Language loss has been massive in the last ten years - western Sioux, Cherokee, Oklahoma Choctaw, most Apache tribes, Navajo, Pima, Ute, etc. Tribes in which the native language is strong can be literally counted on one's fingers today. Perhaps, some very gross features of a tribal people's world view and perceptions can be transferred to English, but by and large the disappearance of a language means a major alteration in such a world view. More, it means in modern circumstances that such a people have surrendered their intellectual autonomy and independence to another society.

In many English speaking Indian communities there is a significant disparity between verbalized values and actual behavior. Parents in such communities will say such things as, their children should "get an education and make something of them selves." Yet, when their children leave home for "better opportunities," these same parents will be shocked and hurt to the core of their being. It appears that such people have learned their behavior and unconscious values from their parents, but verbalize their life in terms of public school slogans.

At minimum, language loss means that tribal people do not have an appropriate conceptual vehicle by which to examine, analyze, and talk about their own life.

In some sense, Indian tribes are becoming collections of generalized tribal personalities without a truly native institutional structure or a coherent culture, tradition and language.

Perhaps, Indians could survive profound cultural loss, all other factors being equal, and continue as social groups if Indian tribes were not tiny minority peoples in a sea of powerful aliens. However, all of those minority peoples in the Old World who have survived in such circumstances have four features in common -

1. a distinct language, even if it simply functions as a holy language.

2. a unique religion, even if it is their own special version of a world religion.

3. a tie to a particular piece of land, a homeland and a holy land.

4. a sacred history which tells you who you are and why you must survive as a people.

Few Indian tribes show these four features, modernly.

Thus, it is my opinion that unless some revolutionary steps are taken, Indian tribes will survive neither as distinct cultural nor social groups; revolutionary steps such as the development of Indian language school texts, the teaching of course content in Indian languages in local Indian schools, the revival of Indian religions, reform of the structure of tribal governments, and so on.

I think that we have five years before the die is cast and it will be too late to take the needed steps to insure our cultural and social survival.

ENGLISH IN THE CHICAGO INDIAN COMMUNITY

A Contribution by NAES College/Chicago Site Core
Seminar: Dynamics of Language and Learning
Terry Straus, Instructor

English fluency among American Indians is relatively recent. In 1928, the Meriam Report made clear that English was not established even as a second language at that time. This was true in spite of considerable contact with English speakers in preceding decades and in spite of the concentrated programs of English language instruction in federal boarding schools. Today, English is an established language option in reservation as well as urban Indian communities; but still today, the older people in those communities speak English only as a second language and sometimes not at all. In general, English does not occur as a first language for Indians born before World War II, and for those, it was often learned simultaneously with a tribal language.

The English spoken by Indians throughout Indian country today is by no means unitary. Standard American English is only one of the many varieties of English spoken by Indians: the varieties of non-standard English spoken are many and each unique. Recently, William Leap (1985) has made abundantly and convincingly clear that at least some varieties of Indian English are related to the ancestral languages of the communities in which they are spoken. Hence for example, Cheyenne, Ute, and Isleta English are rule-governed dialects of English, systematically different from each other and demonstrably influenced by grammatical and phonological patterns of the ancestral languages. The influence of ancestral language patterns on Indian English, when it occurs, occurs for speakers who do not know the ancestral language as well as for those who do.

More than half the Indian population of the country today resides inter-tribally in urban areas. Indians living in cities retain tribal affiliation and identity. "Home" is still the reservation and most return to it often. Many come to the city speaking a native language which they will use with other tribal members. English, of course is used with Indians from other tribes and with non-Indians.

In the Chicago area, there is a fluctuating population of at least 16,500 Indians, some of whom have been born and raised in the city, others of whom have been here 40 or 50 years although they were born elsewhere. After 1952, relocation brought a large number of Indians to Chicago, and in 1955

the American Indian Center, the first urban Indian center in the country, was opened to help those coming in to find jobs and places to live. Today, there are seventeen Indian organizations serving the Chicago Indian community and participating in a yearly Chicago American Indian Community Organization Conference from which emerged a Community Board Training Project and an Information and Assistance Center. What was, as recently as 30 years ago, a collection of Indian People living in Chicago, has recently emerged as an Indian Community conscious of itself, whose members identify as such and distinguish themselves from other communities in the city.

The emergence of a Chicago Indian community introduces an interesting and novel language situation for American Indians. Tribal languages are brought to the city and sometimes used here. Varieties of English - tribal, regional, and standard - are brought to the city and are retained, supported by communication with others in the city who share the same dialect and also by visits "home." But new patterns of speech are learned here as well, patterns appropriate specifically to the Chicago Indian community. Life histories of community members commonly reflect the individual's awareness of the need to develop new speech patterns used in the Chicago Indian community and, equally, the need to avoid those patterns upon returning home.

Identification of certain speech patterns in Chicago Indian English was undertaken as a brief research project by students in a core seminar at NAES (Native American Educational Services) College. Research was carried on during October and November, 1985. All students were Indians residing in Chicago, and all were newly introduced to the concept of Indian English(es) either in that core seminar or through the Bilingual Education Program in which they participated at NAES College.

Hypotheses:

Hypotheses concerning English spoken in the Chicago Indian community were generated over the course of several weeks. Those suggested here are not to be understood as demonstrated truths. The research period was too short to permit any such absolute conclusions. However, what began as casual observation became, through interview, directed observation, and life history collection, strong hypotheses warranting serious consideration.

Hypotheses generated covered a variety of areas: vocalization, vocabulary, phonology and grammar, speech norms (style), speech genres, paralinguistic features, and writing. While several hypotheses were developed in each of these areas, the most fertile area was that of speech norms. It included several items which were first recognized by researchers in Chicago English but which were, upon reconsidera-

tion, determined to apply to Indian English outside of Chicago as well, differentiating Indians from other speakers of English in Chicago but not from other Indian speakers of English outside of Chicago.

Perhaps the most obvious characteristic recognized as distinguishing Indian English from other varieties of English spoken in Chicago is the amount and the type of vocalization involved in the speech. Vocalizations common in reservation varieties of English seem to be retained in Chicago speech. There is some diffusion of vocal expressions among tribes in Chicago and some reduction in sexual dimorphism in those expressions. Indians in Chicago vocalize more often and differently from non-Indians. Vocalizations are used as interjections which punctuate ("he-eh") or function to encourage and continue a conversation ("e-yah"). The non-Indian "un-huh" and "yea" which may function in similar ways in continuing conversation, are sometimes interpreted by Indians as markers of impatience, meaning "hurry up, finish; I already know what you're saying."

Vocalizations were seen clearly to distinguish Indians from non-Indians speaking English, and certain specific vocabulary items were seen to distinguish those involved in the Indian community from those outside it. Specifically, these items refer to Indian organizations and activities in Chicago. Examples of such vocabulary items are acronyms such as NAES, NAC, INAD, AIEDA, which are spoken as words, while others like "Black Elk," "The Drop-In," "The Center," use titles rather than acronyms. Such vocabulary items, of course, reflect the environment and will change with it. They remain, however, as a kind of marker of community identity.

Phonological and grammatical characterizations of Chicago Indian English are suggested in the list of hypotheses, but are not considered to be specific to Chicago. Phonology and grammar of Indians in Chicago continues to reflect the great variety of tribal and regional characteristics brought into the city.

One grammatical feature which may be associated with the mid-west region and certainly is distinguished from Indian English in the Southwest is the preference for action verbs over verbs of being. Specifically, Chicago Indians are observed to say "There goes X" instead of "There is X." This may be more common among younger people, but has also been observed in adult members of the community. One researcher reported recognizing it first with her own children and their cousins, and later observing it in "almost all Chicago Indian youth" with whom she had contact. Another researcher, recognizing it in his own speech, reported being teased about it by Indians from other parts of the country.

Another hypothesis referred to the use and semantic significance of the future tense in Chicago versus reservation Indian English. In Indian English, the future tense generally indicates a possibility, something which has not happened and might possibly happen, as opposed to the standard English usage in which future tense indicates a firm commitment, a plan for future action, and suggests a level of control over the future unfamiliar in Indian cultures. The meaning of the future tense in English spoken by Indians reflects the use of that tense in tribal languages across the country. In Chicago, it seems, there may be some semantic shift such that the future tense becomes more declarative than conditional, perhaps in light of misunderstandings generated in the context of city life.

Since tense/time is a requisite grammatical distinction in every utterance in English, this particular semantic discrepancy is a potent source of confusion and misunderstanding. Such semantic "interference," however, is more common than has been recognized between Indian and other varieties of (including standard) English. Misunderstandings occur but are often not even recognized since, after all, both codes are English. The key to resolving such confusion, both between individuals and within one individual who is multilingual (speaking a native language, perhaps, and one or more varieties of English, including standard American English) seems to be to become aware of the sociolinguistic context and implications of the terms and forms of the various codes.

The meaning of a particular utterance, of course, is also measured against the norms for appropriate speech in the community in question. Perhaps the clearest example of speech norms specific to Chicago Indian English concerns what researchers referred to as "courtesy words." In general, researchers observed that Indians in Chicago tried to avoid saying a direct "no", that is, refusing a request or denying the truth of another's statement. While this was thought to be common to all Indians, there was some feeling that this norm of courtesy/respect might be more pronounced in the inter-tribal context of city life. Misunderstandings in this regard between Indians and non-Indians were also noted.

Participants from various tribes and various parts of the country found the need to use courtesy words in Chicago whereas the same usage on the reservation would label them as outsiders or imposters, putting on airs. "Please," "Thank you" and "Excuse me" were specifically noted in this regard, and interviews with other Chicago Indians confirmed this. In Chicago, with non-Indians, but also among Indians, a speaker is considered rude or crude if he/she does not make liberal use of these courtesy words. Whereas, on the reservation one might say to another, "Move," or "Give me your pen," or whatever, and be completely appropriate and expectable; in

Chicago, such sentences are interpreted as presumptuous commands reflecting poorly upon the character of the speaker.

So strong is this shift in speech that it has in turn influenced at least one tribal language spoken in Chicago, encouraging the development of tribal courtesy terms. Choctaw spoken in Chicago has certain courtesy terms whereas these terms are not used in the same way in the reservation context. A phrase "Yak-Oki" is used in Chicago as a kind of all-purpose courtesy term: its reservation meaning is something like "So be it."

Another way in which courtesy patterns are clearly different in Chicago concern introductions. In many cases, introductions are inappropriate in the reservation context, whether in English or in a tribal language, perhaps because by pointing out the person who is not known it distinguishes him in a way which is uncomfortable and unwelcoming. In Chicago, however, introductions are understood as common courtesy in both large and small groups. Meetings commonly begin with introductions, each individual identifying himself at least by name.

An Indian being introduced to other Indians, formally or informally, will identify himself or be identified by tribal affiliation and residence, "Chippewa from Leech Lake," for example, or "Winnebago from Nebraska." This information is regarded as establishing common ground between the people being introduced, and often leads to questions concerning relatives or friends on the reservation known to the other person/s. Name, tribe (where relevant) and family relations would all be data that would emerge in the course of conversation or successive meetings in the reservation context, while they seem to be prerequisite to comfortable conversation in Chicago.

Among Indians, regardless of age or status, the preference in the community is clearly for use of first name in address. Non-Indians, however, are generally addressed by title and last name, though that may shift to first name with decreased social distance. Children in the community are sensitive to this difference. Elementary school students tutored by an Indian adult will address the tutor by title and last name in the classroom or hallway where non-Indians are or might be present, but address the same person by first name only when alone with them in or out of school.

Other terms found in the English spoken in the Chicago Indian community but not so commonly in the English spoken on home reservations are terms of endearment such as "dear," "honey," "sweetie" etc. One woman emphasized this in a story about her young daughter who grew up on the reservation with her grandparents. Addressed by her mother as "Honey", she responded, "I'm not Honey, I'm Sarah!"

Appropriate speech on the reservation, moreover, seems to be softer than speech in the city where loud voice and assertiveness seem to be associated. In observations at the Senior Citizens Center, researchers also concluded that women tend to speak more softly than men. Public speaking in general, however, requires a louder voice, and prayer, a softer one.

While certain norms of courtesy or appropriate behavior are added in Chicago, norms of courtesy and respect typical of reservation English may be dropped in the city. Verbal avoidance/taboos are one such example noted by participants in this study. Whereas a man might be required to respect by avoiding and not addressing his mother-in-law, or a woman her father-in-law, such avoidance is rarely seen in Chicago. Similarly, where use of a personal name may be carefully avoided in reservation speech, such avoidance is commonly dropped in Chicago.

Indirect investigation of public speaking included listening to tapes of meetings for various purposes within the Chicago Indian community. Researchers discussed the problem of understanding what was going on without the non-verbal paralinguistic features unrecorded on the tape. It was presumed that non-verbal communication among Indians differed from non-verbal communication among non-Indians. In this context, the use of lip-pointing was noted and became a source of continual comment and amusement within the research group. No systematic observations were made of paralinguistic features, however.

Patterns noted in public speaking from the community tapes included persistent consensus checks throughout the presentation or the moderated discussion. Listeners might volunteer indications of consensus by vocalization or non-verbal communication, but a speaker may ask for an expression of opinion from one who does not volunteer support. Group presentations thus seem to involve a greater audience responsibility than is the norm in non-Indian context.

Listener involvement is also implied in the particular style of speech making, which may include a whole series of phrases as the subject of a long statement. The listener must work to relate the various parts of the subject to each other so that, ultimately, they connect to the verb which follows. If the listener does not put his own mind to work he will not understand what the speaker is saying.

A study comparing oral debate of Indian and non-Indian students at the University of Oklahoma (SWALLOW, Vol. VIII, 1980, Arizona State University) suggested that there may be a rhetorical style common to Indian students and different from that of non-Indians. Some of the characteristics noted in that study have been observed as well in the written compositions of Indian students in Chicago. Research in progress by

a NAES instructor in Chicago demonstrates clearly that Indian college students here, regardless of how long they have been here and whether or not they speak a tribal language, are "oral writers." This obtains in spite of the special anxiety described by the NAES student research group as associated with written expression. Something written, it seems, is presumed to require standard (and perfect) English. Thus, written work is commonly strained and stressful in a way that oral response may not be.

Student researchers did make an effort to compare tribal newspapers with publications (The Warrior, The Red Letter, NAES Rule, and InterCom) of the Chicago Indian community. They concluded, however, that there was a great variety in the Chicago publications, each having its own distinct purpose, such that an overall comparison was difficult. Certain Chicago publications were similar to the Menominee tribal newspaper, for example, in that they contained a great number of quotations, an emphasis on narrative, and a prominent vocabulary of enthusiasm and accolade. Other Chicago publications differed considerably, being more moderate, more descriptive, and with fewer direct quotations from individuals.

Public speaking is a recognized genre in Chicago and certain normative expectations adhere to it. Other recognized genres include prayer, storytelling, joking, and gossip, each of which is governed by particular rules of appropriateness and particular patterns of speech. Gossip was considered at length by two members of the research group.

While it is considered inappropriate to ask or at least to persist in asking personal questions, personal information circulates continuously as gossip, sometimes founded, sometimes not. Gossip has become an issue of considerable concern and debate in the Chicago Indian community. A decade ago, its insidious effects were of such concern that a community workshop on gossip and rumor was held in an effort to contain and reduce it. Personal gossip within the Chicago Indian community tends to spread first along family lines and almost invariably involves family support. There are some differences in the way men and women gossip. Despite these observations, gossip is still thought to be most strongly associated with women and women's speech. It is often marked by clear linguistic tags such as "Did you know", "Did you hear?" or "Don't tell anyone, but.." and it is generally spoken in a lower than normal tone and volume.

The use of "swear words" is a speech pattern with no tribal precedent. Researchers reported a relatively greater use of "swear words" in Chicago than on reservations. Some described "tough talk" or "bar talk" as a speech genre characterized by a liberal use of swear words. It is clear, however, that the same speaker in some other context might not use any swear words at all. It also appears that there is a

general evaluation of swearing as uneducated and thus a considerable surprise at educated whites who swear in public presentations and in classroom teaching. Speech standards of high status in the Indian community do not allow for swearing.

Other speech genres could be studied in terms of their social distribution and cultural content. Are there Chicago Indian jokes which are different from other "Indian jokes", for example. Are public prayers different in the urban setting than at an intertribal reservation gathering?

It does seem that there are Indian songs, or at least a style of singing Indian songs particular to Chicago. This has not been adequately investigated, but derives from an interview with the leader of one Chicago drum group. Defining that style and describing its development would be an interesting project for future research.

Conclusion:

It is reasonable to expect that, with the development of Indian communities in urban areas, new patterns of speech will develop associated with those communities as speech communities. This paper represents the first effort to identify speech patterns distinctive of such a community, and as such it is of historical as well as theoretical interest.

As a speech community, the Chicago Indian community is complex and varied. There is, initially, the tribal and regional mix brought into the community and continuously revitalized due to movement both into and out of the community from reservations, reserves, and settlements. There is as well the variety due to differences of age and status within the community. Young people in the community commonly speak English quite differently from their parents and grandparents. This is as true in Chicago as it is on any reservation; the experiences of the young people differ and so does their speech. The importance of education as a symbol of status and its association with particular speech norms has been mentioned above. Place of employment is another social factor distinguishing units within the community, and thus very likely associated with particular speech patterns. Internal community liaison people must be able to move comfortably among those various organizations and also be fluent in the variety of speech patterns encompassed by them, at least to the point of avoiding misunderstandings between them.

There is a tremendous variety of speech and fluency evident in the Chicago Indian community, but certain norms, certain new norms appear to be shared throughout and in some cases to be distinctive of the community as a speech community

and as a cohesive unit, conscious of and interested in maintaining its unique identity.

In part, the norms observed in Chicago Indian English can be seen to reflect the social context of city life, especially the presence of many (more than 50) tribes and as many dialects and tribal language roots, and the situation of continual contact with non-Indians and their associated speech patterns. Changes in expression and definition of courtesy, in the style and content of personal introductions, in the semantic intent of the future tense, for example, may be viewed as accommodations, changes deriving from the special situations of Indians in an urban community.

But this flexibility in speech does not represent language loss. Indians in Chicago return frequently to home reservations and reservation dialects of English. There may be a brief initial period of "mistakes," but such "mistakes" are quickly recognized and avoided. Instead of language loss what seems to occur is multilingualism, including several varieties of English and perhaps a tribal language as well. Respect for ancestral language and for those who are fluent in their ancestral language is very high within the Chicago community. In fact, there seems to be a kind of third generation phenomenon where children born and raised in the city have learned a deep respect for tribal language and traditions and seek to return to home reservations to hear and to learn their own ancestral languages.

The development of a Chicago Indian community and associated patterns of speech, then, does not necessarily contribute to the language loss so dramatically described by Thomas. It does suggest that speech patterns may be shared across a wide variety of dialects and be associated with community identity across but not conflicting with a wide variety of tribal and regional affiliations.

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INDIAN EDUCATION IN THE STATE OF MINNESOTA
A Model of State/Tribal Government Cooperation

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Among the states, Minnesota represents a model of cooperation with American Indian Tribes and the Federal government in the provision of educational services for American Indians. The intergovernmental cooperation in Indian education in the state has been sustained and enabled through the development of a distinct and unique responsibility on the part of the state to enable American Indians to have access to educational opportunities. The state's program in Indian education currently includes a number of grant programs and services related to Indian education which provide state appropriations for Indian post-secondary scholarship assistance, and school based programs designed to improve the educational environment in which Indian children find themselves and to improve the effectiveness of schools in educating American Indian learners.

Historically, among the most significant roles of the state of Minnesota in Indian education has been the role of public education in enabling American Indians to have access to schooling. In a 1952 report of the Governor's Interracial Commission, The Indian in Minnesota, it was reported that twenty American Indians were attending colleges and universities within the state. Though the number of Indians attending post-secondary institutions in the state may have seemed small, it is interesting to note that significant involvement of Minnesota Indian youth in any form of formal schooling occurred only thirty years prior to 1952. Until the mid-1920s only 30% of the total Indian school age population were attending school, primarily federal government or mission schools.

Most school age Indians in Minnesota did not begin to go to school until the mid-1920s when state public schools became a viable option. With the implementation of the land allotment policy on many Chippewa reservations well underway in the early 1900s and the significant immigration and settlement of non-Indians on northern reservations, the Minnesota State Legislature in 1910 passed an act for the maintenance of public schools on Indian reservations or on territory previously occupied as such. In 1925 the United States Congress appropriated $10,000 for the construction and maintenance of public schools in Minnesota "to be located in places contiguous to Indian children who are now without proper public school

facilities" and $35,000 for tuition payments to the State of Minnesota for Indian public education.

Following 1922, with some increases in federal government boarding school enrollment during the depression years, all increases in school age Indian population were absorbed by public school enrollments. Indeed, by 1928, of a total Minnesota Indian school age population of approximately 5,000, all but 200 were enrolled in some form of schooling.

The pattern of state management of Indian education and specified federal fiscal responsibility which developed throughout the 1900s became formalized in 1934 with the passage of the Johnson-O'Malley Act by the U.S. Congress. The JOM contract through which the state of Minnesota agreed to provide educational services for Indians under certain specific conditions was signed by Governor Floyd B. Olson on July 11, 1936. Though the specific purpose for which appropriations were authorized under JOM has changed and state administration of the program has now shifted to Tribal governments, the special conditions upon which the federal government transferred responsibility for the provision of education services for Indians to the state has remained the cornerstone of Minnesota's efforts in Indian education. It has also served as the foundation upon which state, federal and tribal cooperation in Indian education has evolved and developed within Minnesota.

Outside of providing educational services for American Indians, the state agreed through the JOM contract to provide specialized courses of study in distinctly Indian communities, and to provide educational programs designed to meet the special needs of Indians developed and implemented only "after consultation with recognized representatives of Indians." The Minnesota State Board of Education was designated to serve as the "agent of the state" in discharging the obligations assumed by the state in Indian education. The state agreed to secure the regular attendance of Indian pupils, that no Indian child be disbarred from any schools by reason of race and personal condition, etc., in accordance with state law as applied to citizens of other races, and that educational standards relating to teachers' textbooks, library, etc., be not lower than the highest maintained by the state. The federal government provided to the state revenue in lieu of the tax exempt status of Indian lands, a purpose now served by Federal Impact Aid and, among other things, provided for the use and transfer of federal school property for public education purposes.

Programs designated to meet special needs and enable access to educational opportunities, Indian consultation and representation and the leadership of the Minnesota State Board of Education currently define the state's efforts in Indian education.

Special Needs and Access to Education Opportunity

The state program in Indian education currently includes the American Indian Language and Culture Program. The program passed by the state legislature in 1976 was developed in recognition of the need for more adequate education for American Indian pupils in the state of Minnesota. The program seeks to make curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils, to provide positive reinforcement of the self-image of American Indian pupils, and to develop intercultural awareness among pupils, parents and staff. The program provides state revenue for projects broadly related to improving the quality of educational services to American Indian children enrolled in elementary and secondary schools. Projects may include instruction in American Indian language and culture, improving the nature and quality of teaching, the provision of personal and vocational counseling and the modification of curriculum instruction methods and administrative procedures to meet the needs of American Indian pupils. Interestingly consistent with the original Johnson O'Malley contract regarding the special needs of American Indian students, the preamble to the American Indian Language and Culture Act asserts that in order for American Indians to have equal educational opportunity, Indian students must have their language and culture represented in schools' curriculum.

The American Indian Post Secondary Preparation Program provides grants to school districts for American Indian students in grades 7-12 for projects which broadly seek to enable and facilitate the enrollment and successful attendance of American Indian students in Minnesota post-secondary educational institutions. Project activities can include dropout prevention activities, remedial and tutorial service, incentives for improved attendance, career counseling, etc.

The Minnesota Indian Scholarship Program provides financial assistance to American Indians who are residents of the state, who are accepted for enrollment in post-secondary institutions. The program is "need based" and provides assistance to American Indian students who have financial need after other sources of aid are applied to the student's cost of education. The Indian Education Section maintains a field office in Bemidji to implement this program and to coordinate the state's program with (primarily) the Tribal scholarship programs of the Minnesota Chippewa and the Red Lake Band of Chippewa Indians.

Indian Consultation and Representation

The State's Indian education grant programs are implemented through a unique structure of Indian representation and

consultation. The Indian Post-Secondary Preparation Program and the Indian Scholarship program are implemented by the Minnesota State Board of Education with the assistance of the Minnesota Indian Scholarship Committee. The committee, which has existed since 1955, was uniquely established as a committee by statute in the 1985 legislature. The American Indian Language and Culture Program is similarly implemented by the State Board with the advice of the American Indian Language and Culture Task Force. Both groups, which are broadly representative of the American Indian populations in the state, are appointed by the State Board with the advice of the Minnesota Indian Affairs Council. This council which is composed of elected tribal chairmen in the state is charged by state statute to, among other things, advise the legislature and state agencies in matters related to Indian Affairs.

The Indian education advisory groups recommend to the State Board criteria for the implementation of the state Indian education grant programs and in the case of the school based grant program review and recommend proposals for funding to the State Board. The state school-based grant programs further require Indian parent and community involvement in the development and implementation of the program.

Central to the structure of Indian representation and consultation which is the focus of cooperation between tribal governments and the State of Minnesota is the Minnesota Affairs Council. This council began as the Indian Affairs Council in 1983 to reflect the standardization of membership, to include duly elected chairmen of American Indian Tribes within Minnesota and an elected representative of Indians enrolled in tribes outside of Minnesota. Included within the primary duties of this state agency are the following duties:

Clarify for the legislature and state agencies the nature of tribal governments and the relationship of tribal governments to the Indian people of Minnesota.

Make recommendation to members of the legislature on desired and needed legislation for the benefit of the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian community.

Provide, through the elected apparatus of the council, an effective conduit for programs, proposals, and projects to the legislature submitted by tribal governments, organizations committees, groups, or individuals.

Provide a continuing dialog with members of the appropriate tribal governments in order to improve their knowledge of the legislative process, state agencies, and governmental due process.

Assist in establishing Indian advisory councils in cooperation with state agencies delivering services to the Indian community.

Assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services.

Assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community.

Act as a liaison between local, state and national units of government in the delivery of services to the Indian population of Minnesota.

Assist state agencies in the implementation and updating of studies of services delivered to the Indian community.

Provide, for the benefit of all levels of state government, a continuing liaison between those governmental bodies and duly elected tribal governments and officials.

Interact with private organizations involved with Indian concerns in the development and implementation of programs designed to assist Indian people insofar as they affect state agencies and departments.

Act as an intermediary when requested and if necessary between Indian interests and state agencies and departments when questions, problems or conflicts exist or arise.

Leadership Role of the State Board of Education

Under the direction of the Minnesota State Board of Education, the state has been involved in a significant sustained effort to determine the educational needs of its Indian citizens and has initiated as one of the Board's goals a process to develop a comprehensive plan for the significant improvement in the public education of American Indians.

The current effort on the part of the Minnesota State Board of Education to identify and focus on Indian education as a priority issue and to develop a comprehensive plan for Indian education proceeds from the adoption of an Indian Education Policy Statement by the Minnesota State Board on February 9, 1982. The statement "supports and encourages:

1. Programs and services to meet the unique education needs of Indian youth and adults;

2. The involvement of tribes, communities, youth and parents in the total education program;

3. Incorporation of American Indian language, literature and heritage into the general curricula;

4. The concept of equal educational opportunity; and

5. Viable programs which will permit Indian people to compete and excel in areas of their choice."

The Indian education policy statement, which was developed by a task force which is broadly representative of the state's American Indian population, represented the culmination of a fact-finding process initiated by the State Board in 1976 with statewide hearings on Indian education. Under direction of the State Board and in cooperation with tribal governments and Indian communities, the state has been involved in a significant sustained effort to determine the educational needs of its Indian citizens. In 1976, the Board conducted statewide hearings concerning Indian education which were continued in 1983 with community hearings at Red Lake, Cass Lake, and Fond du Lac. During 1985, information gathered from these hearings and other forms of testimony was developed into a survey to prioritize various needs and recommendations concerning Indian education. The prioritization of Indian education needs was seen as a way to provide in part a foundation for the development of a plan for the improvement of Indian education.

A framework for the development of a comprehensive statewide plan was proposed to include three areas of ideas and initiatives. The first area of planning involved building upon a foundation already laid in Indian education in Minnesota. As a state, Minnesota has developed a distinct responsibility for Indian education. Current efforts are nonetheless recent and have only just begun to have an impact. For example, 70% of all American Indian graduates assisted by the Minnesota Indian Scholarship Program have graduated within the last 10 years. The American Indian Language and Culture Education Program is in its tenth year and the Indian Post-Secondary Preparation Program is now in its third year.

The second area involved innovative cooperative ideas between the state, federal and tribal governments and new initiatives for implementation by the state, federal or tribal governments. Because of the unique political/legal status of tribal government and the special charter of the relationship of the federal, tribal and state governments in the provision of educational services to American Indians, significant ideas for the improvement of Indian education must consider the character of intergovernmental relations and distinct initiatives by tribal, federal and/or state governments.

The third area sought ideas and initiatives which would affect and impact on public education generally. The education situation and status of American Indians raises significant questions regarding the viability of existing structures and systems of education to be effective with children. Generally, it is felt that ideas for reforming education systems should include a view of the education of American Indians in Minnesota.

The plan for the improvement of Indian education proposes a number of ideas which are interrelated and which are at various stages of development, consideration, and sanctioning by the various groups formally responsible to act upon the ideas presented. A very important function of the plan is to identify an agenda and forums necessary to consider and act upon ideas for the improvement of Indian education.

POSITION PAPER ON TRIBAL GOVERNMENT

Robert K. Thomas, Director
American Indian Studies
University of Arizona
May, 1986

Introduction

In simplistic terms, the structure of Indian governments before the invasion of North America by Europeans consisted of chiefs and elders representing kin groups; in the southern tribes, this body was a formal priesthood as well. The band or the village was the locus of the most important decisions. Political decisions were of two kinds. One were those decisions prescribed by tradition. Chiefs and elders "reminded" the people of those traditional prescriptions, usually in public assembly, and then supervised the carrying out of the appropriate action. Two, where traditions were not explicit, decisions were made by an open assembly. The chiefs and elders acted to help achieve unanimity. If a minority felt strongly about their position the issue was put aside, or else the minority withdrew and formed another social body. Warfare was not usually a political decision, in the above sense; and was most times carried out by an individual war leader and his followers. The exception was when the whole tribe committed itself to the tribal assembly, as they did when making peace with an enemy people.

Great care was taken in aboriginal Indian government to protect the wishes, autonomy, dignity, and integrity of each individual. This type of government was admirably suited to small kin-communities. (And, of course, Indian tribes are yet based on small kin-communities.)

In the early 1800s several tribes undertook to reform their original governments and finally to adopt a republican form of government modeled after that of the United States. The motivation behind such a move was to centralize the tribal government and so curtail the power of local chiefs, many of whom were busily signing away lands to the U.S.; to better deal with the social chaos prevalent in their tribes; and to have a formal, stable institutional structure. However, this was not accomplished overnight. The Cherokee tribe took over thirty years to complete this reform. For instance, some six successive legislative acts were needed to modify and finally abolish the principle of clan revenge. But no Cherokees imagined that this legal reform did away with the sentiment involved in clan revenge so extra-legal procedures grew up to handle this sentiment - no one belonging to the clan of the victim or the accused could sit on a jury in a murder trial, the relatives of the victim had the option of forming the firing squad which executed the convicted murderer, and so on.

This process of reform and the adaptations around reform went on for some 30 years, at which time the Cherokees adopted a constitution; simply codifying reforms already in practice, as is the case with most constitutions (including the American constitution!!!).

1. The Problem of Legitimacy and Cultural Fit

Now, let me contrast the above process with that which went on in the 1930s at the time modern tribal governments arose. To begin with, by 1930 most tribes had lived on reservations for several generations under the absolute control of the B.I.A. Most of their native institutions had decayed and disappeared - military, police, educational, economic, etc. Government usually consisted of the local agent assembling the chiefs or a hand-picked committee and instructing them in what he had decided. Now comes "democracy", usually in the form of the Indian Reorganization Act, to Indian reservations in the 1930s. Indians on most reservations did not react positively. Since the I.R.A. was now "policy" from Washington, the local agents on many reservations simply "rammed" it down the tribe's throat in spite of opposition by the chiefs and a majority of the tribe. A small minority of voters adopted the I.R.A. on most reservations. The majority was either apathetic or, in most cases, actively disapproved by not participating in the matter at all. (Boycott by Indians was a positive political action by all tribes in early times.)

Shortly after the adoption of the I.R.A. by a tribe the B.I.A. wheeled in a standard, bare-bones, Anglo style constitution (along with the same style legal code) which was once again adopted by a small minority voting in most tribes. Many tribes are still stuck with these embarrassingly inadequate documents which were simply dropped into their midst in the 1930s.

Thus, modern tribal governments did not have the sanction of chiefs or the Indian majority. That problem of legitimacy remains. It is less severe in tribes like Papago and Navajo and most severe among peoples like the Hopi and Oglala Sioux.

Further, tribes were not allowed the time to evolve and adapt a republican, representative type government. It was simply dropped on their heads. Thus, the legal mechanisms of such a government - secret ballot, individual voting, majority rule, geographic representation, etc. - remain uncongenial to most Indians; as is the pre-emption of the local band or village by such a structure.

The legal systems of most tribes suffer even more than is taken into account on most reservations; nor is there a conscious cultivation of Indian common law or attention to court precedents. In fact, some tribal councils see the tribal courts simply as their agents of social control only.

2. Colonialism

In the 1960s I wrote an article in which I characterized the relationship between the federal government and Indian tribes as colonial; that is to say, that outside bureaucrats of a powerful, alien society and culture controlled the lives of Indians. I have seen nothing since the 1960s which has changed my mind. The trust responsibility and the plenary power of Congress clearly establishes where the power lies. I am at a loss to understand what modern discussions of self-determination and sovereignty mean in such a legal context. I know of no political unit in the U.S. other than Indian tribes which must have the majority of their decisions approved by a federal official, the Secretary of Interior, or which cannot try major crimes in their courts because of an act of congress. The control by the federal government of the "purse strings" on reservations, as well, contributes to the powerlessness of tribal governments. In fact, as late as the mid-sixties an Undersecretary of Interior stated to me that "tribal governments were never conceived of as anything but the internal arm of the Bureau within the Indian tribes." Though obscured by the growth of tribal bureaucracy in the 70s, tribal government is still fairly powerless.

In the past, most tribal governments have been able to function successfully to protect the tribe from outside exploitation, and to be a buffer against B.I.A. proposed cultural change by stalling and subverting. That tribal governments are able to perform their functions so well is a tribute to the political acumen and loyalty of Indian politicians. In fact, given the "heritage" of tribal governments, discussed in Section I of this paper, and the colonial situation, it is amazing that tribal politicians can operate as well as they do. As a whole, they do a very difficult job well.

However, even today tribal governments cannot effectively set policy and govern. And tribal politicians are rarely able to deliver on their campaign promises. But the Indian public is <u>never</u> told why this is - the limitations of outside power on tribal leaders. Therefore, there is considerable turnover in tribal government.

More, the one demand that tribal government has been unable to "field" is the pressure by the federal government for economic planning. For quite a number of years tribal government has been involved in economic development. Most of this development has been pointed toward an increase in <u>individual</u> income, on the advice of government employees and academics from the local "Jerkwater U." Such programs have seriously weakened the Indian family and community, as has been the case in all societies where such an approach has been tried in economic planning.

3. The New Indirect Colonialism

Since 1970 the "raw" colonialism has been obscured by the transfer of service functions from the Bureau to the states and tribal governments. In the case of transfer to the state, the state has assumed both the function and the decision-making power, but in the case of the transfer to the "tribe," the "tribe" has taken over administration, but decision-making power has remained in Washington.

However, this new "self determination" policy did allow tribal governments to create jobs for their members, even if it did mean that now Indians were taking the heat from a resentful Indian public. Many of these new Indian bureaucrats uncritically helped build tribal bureaucratic programs - welfare, housing, old age homes, etc. - which, because "help" focused on the individual, unfortunately, further weakened Indian families; as such kinds of programs have weakened family and community in the general society.

Since 1970, tribal jobs have been the motor of the economy on most Indian reservations. That economy has suffered recently because of the Reagan budget cuts. And although this new economy has not given a tribe more governmental power in relation to the federal government it has given the institution of tribal government more power over local Indians. Some Indian politicians have built political patronage machines now, and a few resemble a tin-pot dictator in a banana republic. (And there is no party machinery to control such excesses.)

The change in the nature of tribal government is making it harder for tribes to stand against outside exploitation and corruption. The local demand for tribal jobs seems insatiable and an Indian politician must deliver such jobs if he or she is to stay in office. If budget cuts on the part of the federal government increase, what will tribal governments do? Propose local taxation? Sell off resources? Go out of business?

4. The Ultimate Problem

Most peoples of the world see government as a way to bring about a desired human end - social justice, or economic equality, or individual freedom, or control of our vices and the fostering of our humanity, and so on. I hear few of these things discussed by Indians, in or out of tribal government. What is the purpose of our tribal governments? What kind of relationships in our communities does tribal government help create? What kind of life in our communities do we want for our grandchildren, and how can tribal government help achieve that goal? Those are the important questions about government; not concerns with efficiency or costs.

I hear Indians say that we want to preserve our values. Are our values reflected in tribal governments? Do tribal governments not only reflect but cultivate our values? And if not, why not? I do not think that we can be satisfied with the specter of Indian police units that look and act like 1940 style German SS squads. Do we have to model after the worst features of American society, a society in evident decay and decline? How can we take the control of our destiny into our own hands?

Right now there are sixty year old full-blood Indians moving away from reservations where they have lived their entire lives, because the quality of life there has deteriorated past the point of no return. I think we need to take that fact very seriously.

The American dream of perfecting a political democracy and a just society may have indeed been replaced by modern gross materialism. And the American founding fathers were great dreamers. They were thinkers and writers as well as politicians. At this point in history, I think that we Indians desperately need such kinds of men and women. I would suggest that those Indians involved in tribal government begin to ponder, develop, and speak and write about <u>our</u> dreams, to us the Indian public. (Perhaps such a course of action might even goad Indian academics into writing to their fellow Indians, as well.) We need some founding fathers in these days.

CONCLUSION

Let me conclude this evaluation of tribal government on a positive note. There are some who have concluded that Indian governments are simply puppet governments of no use to Indians except as possible mediators between us and the central government and/or as a buffer against outsiders. I do not share that attitude; primarily because I am impressed by the Indians in tribal government. As a whole, they are extremely talented and committed people. The elitists and tyrants among them are few. Their integrity is remarkable. Given conditions, there is much, much less corruption in tribal governments that one would expect. Such people could be more to us than simply needed politicians and administrators. They could be of more and greater value to us in these times. They could indeed be our real leaders and serve an important mission. That is the reason that I have suggested that <u>they</u> become our "founding fathers".

INTRODUCTION: WRITTEN RESPONSES TO AMERICAN INDIAN TRIBES IN THE 21ST CENTURY

An important discovery made by members of the steering committee of the American Indian Chicago Conference was that Indian people throughout the country were avid readers of Indian communications. A great deal of the preliminary work on the Declaration of Indian Purpose was carried on through the mail. A national Indian newsletter, Indian Voices, was developed to continue such communications.

Following this example, American Indian Tribes in the 21st Century was sent to all tribes, tribal colleges, and Indian Studies programs with a letter requesting a written response to the publication.

A planning committee was established to consider how to present the responses. That committee consisted of Roger BuffaloHead (Native American Studies, University of Minnesota), Donald Fixico (Department of History, University of Wisconsin), Ernie Clark (Library Administration, Notre Dame University), Al Baker (Lac Courte Orielles Journal, Lac Courte Oreilles, Wisconsin), Lucille Chapman (Chair, Menoninee Nation), and Sol Tax (University of Chicago).

The planning committee determined to present those responses in a NAES College publication which might become the first volume in a series. Those responses are reproduced below.

TRIBAL COUNCIL
Organized April 18, 1918
(Revised Constitution and By-Laws, January 6, 1959)

RED LAKE BAND of CHIPPEWA INDIANS

Phone 218/679-3341
RED LAKE, MINNESOTA 56671

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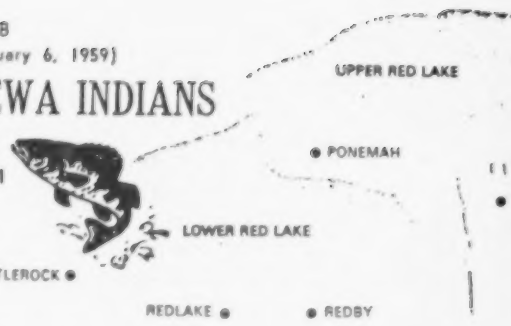

14 March 1987

Terry Straus
N.A.E.S. College
2838 W. Peterson
Chicago, IL 60659

Dear Mr. Straus:

I have reviewed with a great deal of interest the compendium of papers sent out by N.A.E.S. College in the effort to commemorate the American Indian Chicago Conference of 1961. As you may know, I was a participant in that conference and served on the Drafting Committee with Darcy McNickle, Clyde Warrior, Robert Yellowtail, and several others. The idea of bringing together a similar group to discuss issues relating to the survival of American Indian Tribes in the 21st Century is an intriguing one and given the proper focus could provide some guidance to the future generations of Tribal leaders, Indian people, policy makers and the general public.

Enclosed is the Red Lake Band of Chippewa Indian's report and response regarding the proposed symposium and the status of Red Lake since the 1961 Chicago Conference.

Thank you for contacting us. I hope this paper will be useful and I look forward to the publication and symposium.

Sincerely,

Roger A. Jourdain
Chairman

– RED LAKE ENTERPRISES –
Red Lake Indian Sawmills (73 Years) / Red Lake Cedar Fence Plant / Chippewa Arts & Craft Shop
Red Lake Housing Industry / Red Lake Fishing Industry (60 Years) . . . Home of the Famous Red Lake Walleyes

RED LAKE BAND OF CHIPPEWA INDIANS
RESPONSE TO
"AMERICAN INDIANS TRIBES INTO THE 21ST CENTURY"

Roger A. Jourdain, Chairman

Much has happened to American Indian Tribes and Indian people in the intervening years since the Chicago Conference of 1961. Seven different Presidents of the U.S. have served as policy makers toward Indian Tribes and each have given different degrees of understanding and support to Tribal sovereignty with varying levels of success.

While Nixon and Reagan have gone on record with strong statements of support for American Indian Tribes, the most progress in the socio-economic status of Indian Tribes have occurred under Democratic administrations. As each Tribes response to federal and state policy initiatives differs in scope and significance it would be important for conference participants to recognize these differences. For the record, the Red Lake Band of Chippewa Indians have made considerable progress since 1961 through Tribal initiatives established by the Red Lake Tribal Council.

The most visible changes that have occurred on the Red Lake Reservation are in the status of health, housing, road construction, education, economic development, and related concerns. As these were among the important issues considered at the Chicago Conference of 1961, the following description provides a brief overview of the progress of the Red Lake Band of Chippewa Indians in the intervening 26 years.

> The health and health care of Tribal members has improved steadily over the past 25 years. In 1979 Red Lake constructed a new hospital and health care center. The hospital has received certification from the Joint Commission on Accreditation, an indication that they meet and maintain a high standard of quality. Indicators of improved health care include over 90% of the Tribal members have been immunized; seven specialty clinics have been established for preventive health care: pre-natal, well child, diabetic, ear, nose and throat, hypertension, and audiology and dermatology. Since diabetes ranks second, only to hypertension, as a major health concern on the Reservation a screening program is underway that checks all Red Lake residents between the ages of 20 and 65 for elevated blood sugar levels. Those identified as at risk are immediately referred to the out patient clinic

for follow-up services.

A 27 bed nursing home is scheduled for construction on the Red Lake Reservation for the summer of 1987.

The Red Lake Public School District , enrollment 1,341 students, includes a junior/senior high school, two elementary schools, a headstart school, and a Catholic parochial school. construction of a new high school in Red Lake is scheduled for completion in the spring of 1987.

Red Lake has also developed a post-secondary education agency that works in cooperation with a local area vocational technical institute and offers training in: office skills, welding, diesel mechanics, heavy equipment operation, carpentry, electrical and heating and cooling systems.

In 1965 there were 25 Indian students from Minnesota enrolled in post-secondary education programs and in 1986 there were 196 Red Lake students enrolled in post-secondary institutions statewide.

In 25 years the housing situation has improved dramatically. In the early 1960's, the Red Lake Tribal Council established Red Lake Builders, Inc., the first tribally owned and operated turn-key construction company in the country. Red Lake Builders serves as the general contractor for all residential & commercial construction projects and road maintenance and highway construction on the reservation. Red Lake Builders have constructed more than 900 new homes on the reservation since their inception as well as the Red Lake Hospital, Red Lake Chippewa Trading Post Shopping Center, Red Lake Humanities Building, and the new High School in Red Lake. Average construction sales are 4 to 5 million per year.

Red Lake is served by a modern municipal water system which includes nine deep wells and elevated water storage towers. The major water systems in Red Lake and Redby have 200,000 gallon and 50,000 gallon water towers,

respectively.

Wastewater treatment facilities include a city-wide collection system and a lagoon type treatment system with sufficient capacity for growth.

Municipal garbage collection services are provided throughout the reservation by the Red Lake Sanitation Department.

In 1961 there were only gravel roads serving the reservation. In 1987 there is a complex highway system with load levels to handle the logging operator's semi-trucks.

The Red Lake Tribal Council has worked especially hard in the areas of economic development for the benefit of all members of the Red Lake Band. Some of these developments include the Red Lake Fisheries and Hatchery; Red Lake Chippewa Trading Post; the Red Lake Humanities Center; and several other projects under consideration.

Despite the visible indications of social and economic improvement on the Red Lake Reservation and other reservations throughout the country, there remains the critical problem of maintaining the sovereign status of American Indian Tribes. If American Indian Tribes are to survive into the 21st Century and beyond then Tribal leaders, Indian educators, and tribal members must recognize that the maintenance of tribal languages and cultures, in combination with the strengthening of the sovereign status of Indian Tribes, must become the highest priority.

As the United States prepares for the bicentennial celebration of the U.S. Constitution, the proposed re-examination of the critical issues posed at the Chicago Conference of 1961 would present a timely forum to develop a consensus of Tribal thought on the issue of the sovereignty of American Indian Tribes. As American Indian Tribes approach the 21st Century more and more right wing groups are mounting organized attacks upon the right of Tribal nations to exist as sovereign nations. Efforts to unilaterally abrogate Treaties and limit the inherent right of self-government are seriously eroding the ability of Tribal leaders to continue the process of improving the status of Tribal members. Unfortunately, the pervasive forces who seek to end the sovereign status of American Indian Tribes are enjoined by some educated Indians and Tribal leaders who are either self-serving or do not fully comprehend the meaning of Tribal Sovereignty.

The Red lake Band of Chippewa Indians have always understood the concept of Tribal Sovereignty and have sought to protect it in the Courts and in Congress. From the beginning of contact with external forces we have held our aboriginal homeland in common ownership and have resisted all efforts by these forces to infringe on our inherent right to govern and manage our own affairs. Red Lake has remained exempt from the state control legislated by P.L. 280 and the court cases we have initiated have strengthened the reality of sovereignty as applied to American Indian Tribes. Court precedents on exemption from state taxation, the right to issue our own motor vehicle licenses, and Red Lake exemption from Federal statues such as the Federal Bald Eagle Protection Act are among the initiatives we have taken to protect aboriginal rights that precede the U.S. Constitution.

From the Chicago Conference of 1961 there emerged a focus on the education of American Indians with the idea that a higher level of education would enable Tribes to improve this status of self-government and improve the economic development of Tribes. The Red Lake Tribal Council has been a strong supporter of the efforts to raise the educational level of American Indians. However, as we have moved to confront critical issues and reinforce the concepts of Tribal sovereignty on many fronts it has become increasingly apparent that educated Indians are beginning to pose significant problems to the efforts of Tribes in these efforts.

Bob Thomas, in the first of his essays, may have pinpointed the cause when he states that many American Indians have become very different than those who are over the age of forty. They have become "more materialistic, more interested in acquiring social rank and they see themselves as simply an American variant with a special heritage." Judging from the many educated Indians Red Lake has dealt with in the B.I.A., the Solicitor's office, the U.S. District Attorney's Office, and those who maintain the bureaucracies of state and federal government that appears to be an accurate assessment. When the American Indian Lawyers Training Program was initiated in 1967 the question surfaced as to whether the education process would make these individuals less "Indian". The response was that if Indian students were strong culturally and spiritually the education process would not affect their Tribal perspective. Apparently, those Indians who are succeeding in the educational system do not have the strong foundation of their own Tribal heritage, history, language or spiritual integrity necessary to cope with the pervasive effects of that educational system.

If Indian Tribes continue to be satisfied with simply educating individuals who can succeed in broader society, those who seek the monetary success and prestige of that society then the sovereign status of Indian Tribes will continue to be subjected to constant

erosion.

With these concerns in mind, what would be the best focus for a Symposium entitled "American Indian Tribes in the 21s Century?" Again, Bob Thomas in the essay on Tribal governments poses the question and suggests the answer. Tribal leaders of Indian Tribes must provide the direction and establish the policy on which Indian/white relations must be guided into and through the 21st Century.

For some time, Wendell Chino, President of the Mescalero Apache, and I have discussed the possibility of re-examining the Constitutional basis of the U.S. government's legal foundation in dealing with American Indian Tribes. This discussion culminated in a meeting last year in Kansas City, MO, with eight other Tribal leaders who share similar concerns. Several of these Tribal leaders represent Tribes who were also present at the Chicago Conference of 1961. Those involved in the Kansas City meeting and who subsequently formed an Alliance of American Indian Tribal leaders were the Red Lake Band of Chippewa Indians, the Mescalero Apache Nation, the Quinault Nation, the Mille Lacs Band of Chippewa, the Crow Tribe, the Blackfeet Nation, the Lummi Tribe, the Ute Mountain Tribe, the Oglala Sioux Tribe, and the Sac and Fox Tribe of Oklahoma.

These American Indian leaders have formed an Alliance, the purpose of which is to achieve the restoration of nation-to-nation status between American Indian Tribes and the United States. In the context of the bicentennial of the United States Constitution, the Alliance is asking the United States to rethink and reaffirm its relationship with tribes, to look back and understand the unique status of Tribes as perceived by the framers of the Constitution.

At the first meeting of the Alliance in Kansas City, Missouri, in December 1986, the purpose of the group was stated in a resolution. At the second meeting in Rapid City, South Dakota, in January 1987, the group developed a plan to accomplish that purpose.

The Tribal leaders have come together in an Alliance to secure the right of Indian tribes to exist as tribes in perpetuity, exercising Tribal sovereignty. They believe that a careful, analytical examination of the unique, constitutionally recognized Tribal-Federal relationship will provide the basis upon which to guarantee full self-determination. Tribal leaders see restoration of nation-to-nation status as including meaningful involvement in the federal, congressional and executive decision making process as it relates to Indian affairs. If that involvement can be effected, specific problems will arise less often, and when they do there will be a way to resolve them other than through litigation.

It was the United States which initiated treaty making with Indian Tribes. Under the Constitution the President and the Senate dealt with individual Tribes through 370 formal treaties, agreements between nations arrived at through the process of lengthy negotiations. Even after the end of treaty making, the United States continued to deal with Indian Tribes in much the same manner through agreements included in statutes.

While Tribes do not seek full reinstatement of the treaty making process, they want to eliminate the arbitrary, unilateral decision making of the federal government. They seek effective access to the constitutional political system, the Congress and the Executive. It has been forgotten that all of Indian affairs exists because the United States made agreements with Tribes. Tribes should have an effective voice, as governments, in all matters affecting their affairs.

The Alliance has developed a plan to accomplish its purpose, and has sought the assistance of Senator Inouye, as Chairman of the Senate Select Committee on Indian Affairs, in accomplishing that purpose.

A major part of the plan is the education of the American people and the Congress. The Native American Rights Fund will assist the Alliance by preparing a fundamental legal and historical analysis of the relationship of tribes with the United States as perceived by the framers of the Constitution. The Alliance will prepare analyses of traditional, cultural perceptions of Tribal self-government, of Tribal governmental powers as they are exercised today and as they should be more fully exercised and recognized. The Alliance will also prepare an analysis of the international implications of tribal self-government as it exists in the United States today. The analyses will serve as the foundation of the public education process and of the entire plan to accomplish restoration of nation-to-nation status.

From our perspective, the two most critical issues facing Indian Tribes are the sovereign status of American Indian Tribes and how the ethics and integrity of educated Indians relate to that concept.

If N.A.E.S., as the organizer of the proposed symposium in Chicago, and with the support of other Tribal leaders, would direct the symposium toward an examination and discussion of these critical issues, the Red Lake Band of Chippewa Indians will participate.

FORT PECK COMMUNITY COLLEGE
BOX 1027, POPLAR, MONTANA 59255 TEL. (406) 768-5155, ext. 386

16 March 1987

Dr. Terry Straus
Native American Education Services College
2838 W. Peterson
Chicago, Illinois 60659

Dear Dr. Straus:

I am writing to comment on the document, AMERICAN INDIAN TRIBES IN THE 21ST CENTURY. I perceive several issues as central to the document's stimulating essays:

1. The recognition among American Indians of symbols which might constitute the core of cultural persistance; e.g., language, religion, etc., and the development of clear strategies for the effective utilization of these symbols.

2. The redefinition process of the concepts of soveriegnty and self-determination as found in implication in the political, economic and social spheres of Indian life.

The significant vehicle for ethnic vitality in enclaved societies is often embodied in language markers, especially when language patterns provide the reinforcement of core groupness which symbolizes the historic segmentation of one group within a larger society. Language often carries the vital or core categories of cultural symbols and meanings most essential to a group's essence. In a group's language utilization are the structures of ideas, often implicit in a groups culturation (culture as process). Through recognizing how language acquisition might have occurred in the circumstances of the "traditional" society (as demonstrated in the work of Methun in developing Mohawk language teaching materials for children or Leavitt's work with Micmacs and Maliseet) can the process to bring languages back from the precipise of extinction be more than politial rhetoric or "playing house" bilingual education projects. Indian groups can utilize linguists to achieve their goals, realizing that many principles of language acquisition are premised upon universals, which must be recognized as distinct from that which is culturally and linguistic specific.

Dumont and Kaudy, Thomas and Straus recognize that language usage patterns and structures are "deep" resources that must be tapped anew because these resources are so residual that even in societies which think they have "lost" languages (meaning languages talked and used by all generations on a daily basis) really have these structures continuing to be operational often in the ways they speak language. The implication of such ideas

are important for strategies involving the self-definition of issues of soveriegnty and self-determination.

The importance of governing structures whether reservation or urban based, involve the ability to deliver upon constituencies, and draw upon the ethnic political base, which must be demonstrated in the development of its electorate. In most reservation governments the definition of soveriegnty and self-determination is occurring amidst the routine agenda of legislative, administrative, and judicial functions.

The extension and definition of the jurisdiction of legal tribal courts, development of tribal codes, Water Rights Commissions, Transportation Authorities, Housing Authorities, Foster Home Licensing programs (Indian Child Welfare Act), and minerals offices are many of the arms of government reaching new levels of sophistication in their assertion of new levels of administration.

Sam Deloria recently has written about the formation of the current managerial class, in charge of tribal governments and urban programs, who sooner or later will succeed in bringing substantial economic development. Increased independence does not need to mean isolation, but an era of instructing the larger non-Indian society about the contribution Indian peoples, their programs, and federal/non-federal money means to the regions in which they reside. Michigan State University recently funded a study of the economic contribution that Indian communities in that state make to the region. With such information, Indian groups can conduct their own public relations and defend their specific programs (including their rights to tax).

Many of the ideas represented in the report already reflect the developments occurring at Fort Peck. I would add the importance of the Indian Tribal Colleges program. The recent article by Oelt (1985) and the Carnegie Foundation Center for Teachig and Learning Study (in progress) point to the accomplishments of these community based educational endeavors. The great gift of these fledgling institutions is the ability to respond to local training and technical assistance needs. The weakness is the on-going shortages of financial resources to meet needs of the latest educational materials, library resources, instructional aids, and resource persons/instructors in all of the subject areas needed. Efforts to establish the American Indian College Fund may partially address these concerns. The awareness of the vast ranges of achievement by Indian individuals in obtaining (or failing to obtain) quality education is still sobering to me. Greater and stronger linkages are needed between tribal higher education institutions and Indian studies programs in four year colleges, to sustain a forward momentum in the preparation of individuals for the managerial class, so desperately needed in tribal governments, finally, the active definers of a new era of soveriegnty and self-determination.

These opinions are partly based on my observations of tribal governments on the Northern Plains, and my current vantage point of the past year and a half, as the Dean of Instruction of a tribally controlled community college.

Sincerely,

David R. Miller
Dean of Instruction

DRM:tdd

FLUENCY IS NOT ENOUGH
REASSESSING THE GOALS OF NATIVE LANGUAGE INSTRUCTION

by

Robert M. Leavitt
Micmac-Maliseet Institute
University of New Brunswick

On a recent visit to Cape Breton, I had a chance to attend conference discussions among native teachers and administrators, in the course of which I heard three unusual, categorical statements. The speakers who made them were giving, in effect, a prognosis for the health of native language teaching.

One of the speakers, a teacher from Kahnawake, described the prolific output of Mohawk curriculum and materials for the early immersion program there. She reported the growing commitment of parents and community, as evidenced by increasing enrolment. In response to a question about the children's speaking ability and prospects for the future of the Mohawk, she said this: Children will speak English in Mohawk. She did not mean that children will use English words with Mohwak grammar. Her statement reflects, in part, the program's original policy - now changing - of producing material based on English publications. In part, too, though, it indicates what children have a chance to say in the classroom and, she adds, what they are expected to say. Children are not expressing ideas in Mohawk, but needs and responses - basic classroom talk. Her statement also demonstrates the tendency of many native second language (NSL) programs to treat language as a subject, rather than a medium, to have children say things rather than talk about something.

The second absolute statement comes from a Micmac linguist and teacher, one of whose interests is in the writing of high-quality literature from original, oral sources. No children today. he said, will speak Micmac better than their parents. He attributes this to a declining number of speakers and the consequent unlikelihood of children using Micmac for extended periods of time. As an alternative, seeing how quickly trained readers consume what is currently available, he believes that an extensive Micmac literature might offer new speakers the variety and scope of language no longer accessible in the community. Instructional programs, he observes, seldom venture beyond isolated declarative sentences, simple questions, and commands.

But this brings us to the third statement

At a discussion meeting called to begin a two-day workshop for Cape Breton Island Language teachers, a number of elders presented their views of what it is important for children to know. A member of the Micmac Grand Council expressed his concern that older children taking Micmac are not being challenged. In the Maritimes, teachers and curriculum developers working with

Micmac and Maliseet concentrated their early efforts at beginners' levels. But even as time has passed they have continued to work at these levels, drawing upon an endless store of specific sentences and vocabulary words. What would be a challenge to older students? Complex sentences? Obscure inverse participles? Esoteric vocabulary? Stringing shape and body-part classifiers into fanciful verbs like saktokilluwehtaqsu? (See Example 1.) Perhaps. But certainly not in and of themselves.

(1) saktokilluwehtaqsu Al he lisps (Maliseet)
(lit, his tongue shows when he talks)
into view/1D-flexible/tongue/sound-Al/3-indep.

These three observers have identified a problem common to all NSL programs: how to teach children to think in the native language. We know that English perceptions have affected native speech patterns, that children do not learn as much Micmac or Maliseet as their parents, that young people speak at a simpler level today that years ago. Yet we also believe that children have much to gain from speaking Micmac or Maliseet. This belief must be made clear in each classroom encounter by helping children to use the native language and to value it for the power it gives them. In many ways what is lacking in native language teaching is only what is lacking in much of schoolwork today. Children are allowed little time or reason to talk, other than to respond to questions and take their turns. Children are second-hand learners: what they will do is spelled out for them, segmented and subsegmented so that they are finding out how someone else might have learned to read, write, conduct experiments, or understand fractions. Few schools have allowed students to find their own ways, through experiences which are valuable in and of themselves. And when native languages were introduced into schools - a revolutionary idea - they had to be made "real subjects." (Children learn " their sounds" in a native orthography so that they can read and spell - before they have time to say what's on their minds.)

I said earlier that we want children to value the native language for the power it gives them. It isn't just spoken and heard words that have been disappearing from Indian communities. Young people's sense of place, their social. physical, and cultural space is threatened, too: social because they are losing contact with elders, losing the intimacy of a shared language; physical because their new language has a different orientation (it looks at the world, for instance, in terms of man-made attributes and sees objects and measured quantities where the native languages have seen processes); and cultural because young peaole must make new lives for themselves out of unfamiliar stuff. Through native language, children have access to world-view and the power to understand native culture on its own terms and non-native culture from an outside point-of-view. It seems to me that the most successful people in native communities are often those who, being bilingual and being conscious of the two languages, have attained the objectives of this dual perspective.

What children have to gain ultimately is a sense of security and familiarity of interwovenness getting to understand the pattern and colour of their communities by uncovering the underlying fabric on which lives and relationships are embroidered, a fabric weakened in recent decades as the connection between old and young has come undone. There are many ways we can help children weave the fabric back together.

We can certainly do more than teach children to speak English in a native language. As a specific example, the perceptions of time and the value placed on it is one essential component of speakers' sense of place. In school, children usually learn how to "tell time" in Maliseet, say and to name the months and days of the week. (See Example 2.)

(2)

Counting: neqt, nis, nihi, new, nan...
Time: neqt aciye, nis aciye, nihi aciye...
(aciye Al,II he, it moves to a different location)

amsqahs luhkan Al (indef. subject) (it is) Monday
(lit., first working)
nis luhkan (it is) Tuesday
nihiluhkan (it is) Wednesday
new luhkan (it is) Thursday
skehewahtoq I Friday
(In skehewatqik, eskehewatqik, weskehewatqik on Friday, the second and third verb forms show initial change; that is, they are treated like verbs.)
kotuwahsonte II it is Saturday (lit., it is going to be Sunday)
sonte II it is Sunday (from English, Sunday)
kissonte II it is Monday (lit., it has been Sunday)

But these words are not vitally important because they are infrequently used in actual, over-heard conversation: clock time, days, and months are among the earliest expressions adopted by otherwise monolingual speakers. At any rate, the Maliseet versions can be learned very quickly and don't merit much emphasis in the school program.

Instead, the secret to telling time in Maliseet lies in using the verbs that describe its sequence and flow. You are all familiar with jokes - ad naseaum - about "Indian time," and also know that they conceal a grain of truth about a different sense of time. Doubtless there are many cultural factors responsible for the shape of Indian schedules; language is one of the most important. Consider the sentences in Example 3.

(3)

Ktahcuwi peciyan mesq pasqenuhk
2/must-PV arrive-AI/2-rel. not yet halt/sky-II/O-ch-conj-neg
You must arrive before noon.

Tepit qonotu nisukoniw
David extent/be-away-A1/8-indep two-day-P
David was gone for two days (i.e., 24 hours)

Tepit qonotu tokkiw nisukonohok
...until two/day-II O-ch-conj
David was gone until the second day
(nisukonohom II it is the second day

Kisi nipuwiwok nit qenikotok ...nit qwnukonohok
past marry-A1/33-indep then extent/year-II/o-
ch-conj ...day-II...
They were married during that year...on that date.

wolokiskot II it is a nice day (weather)
kotuwokiskot II is is going to storm (there is
going to be weather)
kis kiskot II the day goes along (ch. conj.
pemkiskahk today)
wolokiskotonome AI he has a nice day
kulokiskotoonoman have a nice day! (singular)

Here is evidence of people thinking not about blocks of time but rather about sequence. Time is not concrete. This is the kind of time children should be learning to understand, through observing and commenting upon what is happening around them, planning and anticipating, recounting and reviewing their own experiences (in other words, talking about time the way people really talk about it and for the same reasons.) Eventually they see how their grandparents and communities have perceived and valued time, how time itself has flowed in the past, and perhaps a bit about why the school-bell and the time-clock are difficult masters.

Children can see each culture from the point-of-view of the other only when they they have access to both points-of-view. Each new insight into the native language opens up the side that has been inaccessible. Besides time in the Maliseet and Micmac world-views, children can also explore concepts of shape, oreientation, location and direction, by studying the geography, large-scale and small-, of familiar places.

We must always work from what is familiar to children. Children's sense of the people and other living creatures around them is another important component of their sense of place. Animals, for instance, appear as a favourite topic in all native language programs. But animals are often presented or taught, inappropriately, as lists - as mammals-birds-fish-insects-and-others, or as wild-animals-and-farm-animals. Children love to learn the names of those they know well, and teachers enjoy reasearching the names which have fallen out of use. But how far do children get to go beyond this? Traditionally, animals are other persons of the world, in ambiguous forms the protangonists of the myths and legends which are the medium of the oral

tradition. Here is an opportunity for teachers to rely on storytellers and to exploit, as resources for talking, the wealth of published and tape-recorded stories available in most language.

(4) Wot pokomk sakom - Koluskap not - mihtaqsol muwiniyil. Pukcinsqehs motewolon pokomkesq. Ehpit, kisi kenoq skitapewehlosu tan te welitahatok.

This fisher was the chief - he was Koluskap - his father was a bear.
Pukcinsqehs the motewolon was a she-fisher. A woman, she could, however, change herself into a man whenever she wished.

In the long string of nouns and pronouns, which is typical of story introductions (italics in Example 4), the storyteller introduces the characters. Certainly they do not conform to everyday notions of living beings expressed in English. Children learn, whether we discuss it with them or not, a great deal about the meanings of "animal" and "person" in the Maliseet or Micmac way of thinking. When they begin to tell their own stories - a challenge for older students - they get the power to express these meanings themselves.

In Example 5, we see how people might speak of animals in another connection.

(5) Npothannuk kehtanaqsicik nuhkomeqok, naka nkoti salawehlan.
'Qoci pun tehc ktolapemannuk.

We (excl.) caught a lot of cod, and I'm going to salt them. We (incl.) will have them (to eat) all winter.

'tolapemal TA he gets help from him.

Children need to talk about animals in context. Legends, hunting and trapping and cooking meat, and dealing with pets and livestock generate reasons for talking ideas for children to express. By talking realistically as they work, children get the feel of people's relationships with animals in subsistence hunting and conservation, in mutual awe or friendship. They gain as well an appreciation of their own place in the world and the power to express it.

A third vital component of the sense of place is a sense of self, of who I am as an individual, of how I am distinct and different from the other persons around me. When I learn to express myself in Micmac or Maliseet, I learn, for example, a new way of thinking about the attributes of people. I learn how to decribe them using classifier-rich verbs like those in Example 6.

(6) etutapskonuwat Al(ch.conj.) he has very fat cheeks
very/3D-round/cheek-Al/3-ch.-conj.

elalokittiyekit Al(ch.conj.) he is uglier than hell
thus/expletive/look-(appearance)-Al/3-ch.-conj.
cf. elikit he is ugly, from liku Al he looks thus
(appearance)

ehetuwosqone Al he is ambidextrous; he is a switch-hitter
on-both-sides/elbow-Al/3-indep.

Mecimi alatokiye ehpit
always-PV (vague, unspecified)/1D-flex./go-Al3-indep. woman
(Said of a woman in love who is always doing something physical to express her emotion - can't control it - falling all over herself and her man.)
cf. alatokiye Al he (e.g., a snake) wriggles around

cf. Nmace mecimatoki
1/begin-PV always/1D-flex./go-Al/1-indep.
My leg is starting to go to sleep.

Etoli nunilcasit matuwehs 'qatok ancipp!
is...ing-PV suck/finger/reflexive-(Al)/3-ch.-conj. porcupine 3/foot/loc.
The porcupine is sucking his paw ancipp! (A Passamaquoddy lullaby, in toto)

This is a challenge to me: learning to use parts of words, not just in inflections and derivations, but in expressing new and original ideas. To speak even as well as my parents I must master this startling skill, which really has no parallel in conversational English.

Who am I? in Maliseet or Micmac. I don't suggest that I am merely a collection of the morphemes appropriate to my character, abilities, and physique. These "descriptors" are but one (limitless) set of terms which open to children the magical detail of Maliseet and Micmac verbs as they are used - indeed must be used - in everyday conversation. Yes, a mother does analyze her son as a tightly, one dimensional, rigid, neck, tied, little being when she sends him out to play in the snow (see Example 7.)

(7) sakolahqiskipepisu Al he is all bundled up (with a scarf)
tightly/1D-rigid/neck/be-wrapped-Al/3-indep.

She sees herself and the whole world from the centre of a kaleidoscope of attributes. I'm afraid that we - in the Maritimes at any rate - have shied away from engaging children's minds in having fun with words this way. Without the ability to build new words, their power to create ideas is limited indeed.

And how should we do all this? Native language programs have come a long way in establishing their own legitimacy and raising the alarm against language death. Communities are more aware than ever of what they have to lose and what they have to gain. But not everyone is satisfied and optimistic. We hear childrens' genuine enthusiasm for language class and occasionally their resentments of not have been taught at home, but when class is over what will they say? It's time to take another look at our goals.

First, we must think of the classroom as a place in which Micmac or Maliseet - or any native language - is used purposefully, in context, to share ideas. There must be meaningful situations, real or modeled (the realer, the more efficient) of which talk is a natural, functional part. (Drills and memorization - vocabulary practive, sentence practice, and word analysis - come after, not before, talking. Children will spend a great deal of time just listening at first.) Language class will be cooking applesauce, watching a man skin a muskrat, tasting mystery foods, playing baseball, sewing, listening to a story, taking a walk to the store, visiting a shut-in, helping the teacher rearrange the room and decorate it for a party. Gradually the teacher builds from each situation, helping children to discuss, describe, compare, plan, invite, condole, express feelings, settle disagreements, convince, and suggest-whatever is required by the situation.

At Eskasoni, Nova Scotia, earlier this month, a Micmac language teacher was asking her junior high school students to share hunting stories. Another teacher, in the kindergarten, was using a giant picture-book to tell a story in Micmac. Both women had the full, active attention of their students, and more noticeably, they were really conversing with them, as with peers. There is a significant contrast between these animated conversations in Micmac and the pattern of Micmac language use in most classes, even for children who speak, where it is thought of as a subject. In addition, in every case where Micmac is used at the Eskasoni school, the very sound of it sets a different tone: we are conversing, you and I, as equals. Why? because these teachers are making language do what it is supposed to do: carry ideas of interest in a cultural context. They are modeling traditional teaching practices in which children participate in adult activities (watch and listen and do it right). And children begin to see that the native language can gain them a place among their elders.

Wisconsin Winnebago Business Committee

Governing Body of the Wisconsin Winnebago Nation

MEMORANDUM

TO: NAES College Symposium Planning Committee

FROM: Helene C. Lincoln

RE: Response to the papers in American Indian Tribes in the 21st Century

DATE: March 27, 1987

This paper was prepared at the request of Charles J. Kingswan,M.D., Tribal Chairman of the Wisconsin Winnebago Business Committee.

The comments are strictly the opinions of the author based upon research done in undergraduate studies and graduate studies, as well as experiences as a 4/4 Wisconsin Winnebago practicing social and religious traditions of the Wisconsin Winnebago people, a former member of the Wisconsin Winnebago Business Committee, and former administrator of tribal programs.

cc: Charles J. Kingswan, M.D.
Chairman, Wisconsin Winnebago Business Committee

Tomah Office: P.O. Box 311, Tomah, Wisconsin 54660, (608) 372-4147, (800) 362-4476

A Winnebago Response to:

American Indian Tribes in the 21st Century

Helene C. Lincoln

1.0 Introduction

As a general theme The Survival of American Indian Tribes in the 21st Century is an admirable proposition, which may take on meaning in innumerable forms, the form being dependent on the priorities and perceptions of survival unique to each tribal group. This response to the papers in American Indian tribes in the 21st Century was developed with an understanding of this fact, and with the intent to elaborate and comment on points which are relevant to Wisconsin Winnebago survival.

Wisconsin Winnebago history differs from the reservated tribes with histories of domination by a single church denomination settling into a single large land base (reservation) for the purpose of "civilizing" the tribal members. Inasmuch as the Wisconsin Winnebagoes did not have the opportunity to obtain a reservation in Wisconsin, the cultural values and traditions survived without significant distintegration from outside influences. However, the village organization and lifestyle changed to patterns of avoidance of capture by authorities intent on removing the resistant Winnebagoes to Minnesota, South Dakota, and finally Nebraska where one half of the Winnebago people settled on the Nebraska Winnebago Reservation, until in the 1870's by congressional act, Wisconsin Winnebagoes were allowed to establish homestead property in sites scattered over the west central area of Wisconsin.

In recent history over one half of the Wisconsin Winnebago population has been distributed over a fourteen county area, most of which are in west central Wisconsin. Over twenty percent of the Wisconsin Winnebago enrollees reside in metropolitan areas, primarily in Madison , Milwaukee, Chicago and the Twin Cities. Despite the history, and present status, of wide geographic distribution of the Wisconsin Winnebago tribal members significant language fluency has been maintained, particularly among the population over forty years of age. Certainly respect for the maintenance of the Winnebago language has never been lost.

2.0 Analysis

2.1 Exerpts from Declaration of Indian Purpose, American Indian Chicago Conference, 1961

The sense of the concluding statement from the Declaration of Indian Purpose is an appeal to the American People for understanding and recognition of the "nature of the situation" as it exists in the development of "policy and action" as it affects American Indian tribes. Recognition of the determination to hold on to cultural identiy as a precondition to policies and measures to assist Indian groups in the development of opportunities is the essence of the Declaration. Our Wisconsin Winnebago ancestors by their resistance to the abandonment of their homelands and cultural identity archtypically made their statement a century before the Declaration of Indian Purpose was authored.

2.2 Tribal Government and the 21st Century, Dumont and Kaudy

The Wisconsin Winnebago governance is characterized by the complexities and restrictions described by Dumont and Kaudy. Federal recognition of the Wisconsin Winnebago Tribe did not come into fruition until 1962 with efforts to organize beginning in the mid-1940's. Like many of the tribes organized under the Indian Reorganization Act, the constitution and bylaws adopted by the Tribe is geneneral in scope, and written to prevent constitutional changes without considerable cooperation of the tribal membership. Twenty percent of the voting membership constitutes a quorum needed for the general council to act on constitutional amendments. As a consequence, the tribal governance is carried out on the basis of vague and general provisions, progressively imprecise as the developments of the Business Committee become more specialized. This writer holds the opinion that constitutional amendments which will provide for effective governance through an explicative document establishing a more effective framework for carrying out the political administration distinct from, and delineating relationships to, its business and enterprises is long overdue. Moreover, the Wisconsin Winnebago Business Committee has not taken any measures toward retrocession, to assume legal jurisdiction over the criminal jurisdiction held by the State of Wisconsin. In the opinion of this writer, the establishment of standards and codes governing in areas including but not limited to abuses of the elderly, children, etc. will give greater authority over the social control aspects of government to the tribal leadership through its own tribal court system.

In theory, constitutional reform and a tribal court system can help to establish systems and uniformity in the conduct of the political and the business administration, and social controls through a tribal court system. These solutions have sets of difficulties, like any solution to a given difficulty. A consensus, among all tribal members, of the most important oral traditions and the underlying Winnebago values does not exist. The Winnebago kinship system is based upon a clan organization, and each clan has its own unique oral traditions. Remnants of the clan organization and responsibilities are recognized and respected, and the task of integrating oral tradition into fundamental law for the Wisconsin Winnebago Tribe will be an ambitious and impressive assignment. With regard to the language aspect of the integration of Winnebago cultural perspectives into the framework of tribal governance, the use of the Winnebago language in may public meetings is proof of the fact that language need not be a serious barrier.

2.3 Language, and Culture: Persistence, Change, and Dissolution of Tribal Society: A Position Paper, Thomas

Dr. Thomas summarizes the concerns of the authors of the Declaration of Indian Purpose, presents an evaluation of the directions tribal governments and Indian groups have taken inthe subsequent twenty-six years. This paper will not review most of the points made by Dr. Thomas; however, his suggestion that an intellectual "class" emerging from the urban experience may "spark off a cultural revival which will revitalize Indians as a whole" is an oversimplification of the real state of Indian consciousness. Perhaps, such a cultural revival would serve to stregthen cultural

identity for the metropolitan urban Indian population. The Wisconsin Winnebago popoulation which has the majority of its population distributed over wide areas in rural Wisconsin has had access to the same institutions as the metro urban Indian population, and have not experienced a kind of cultural "cocoon" by geographic boundaries, never having one large land base to call its reservation. An intellectual "class" of Winnebago people need not necessarily come from the urban Indian population. As to cultural revival, most Winnebagoes will argue that a tribal consciousness has never been lost.

2.4 English in the Chicago Indian Community, Strauss

This paper, a descriptive analysis of the Chicago Indian speech community, suggests that an Indian consciousness is quite strong in Chicago. Many characteristics of Chicago Indian speech norms described in this study suggest a strong influence from the ancestral languages of these English speakers. Moreover, a phenomenon of returning to home reservations to hear and learn the ancestral language indicates a willingness and desire to maintain strong Indian identities. This study serves to support a case for language instructional programs. Ideally, language should be learned under normal speech conditions. In reality, formalized instructional programs will be required so that rules of grammar may be taught. Most fluent speakers are able to teach vocabulary items of the ancestral language, but are at a loss for teaching rules that govern the syntax of the ancestral language. This is due to the fact that frequently the Indian languages are not written languages. Speakers of these languages have internalized the rules of the language, and have not had a need to abstract the rules in a school setting.

To support the argument for cultural preservation and language maintenance we might consider the fact that Americans with European ancestry or a heritage from other literate countries have their heritage preserved in written record and in a spoken language, to which they may return. This is an advantage that Indian people do not have. The responsibilities lies with Indian people to preserve and perpetuate the American Indian heritage. A center for language planning should be established in order to offer technical assistance to Indian groups and tribes as instructional programs for the maintenance of Indian languages are in planning and developmental stages. Planning should not be confined to the K-12 classroom, such as in bilingual programs developed under federal and state supported bilingual programs. Most programs are developed for the sole purpose of improving the quality of English among the students in these programs, as such the language of the law and rules implementing these programs do not show dignity to the home (other than English) language. Moreover, these language programs do not involve parents in the language instruction, although parent involvement in an advisory capacity is a requirement. If language maintenance is to be achieved the parent generation must be an integral part of the language program.

As Indian groups and tribal governments plan the development of their resources, human resources should not be overlooked. In the opinion of social researchers, there exists an obvious need to strengthen cultural identification. Formalized language maintenance programming is a requisite to the development of the tribal membership.

2.5 Indian Education in the State of Minnesota, Beaulieu

The Minnesota Indian tribal leadership has made apparent progress toward desired ends in areas of higher education, federal/state/tribal intergovernmental cooperative relationships, and public (K-12) education. Areas of investigation in researching the impact of initiatives in Minnesota Indian education might include the investigation of the concept of equal educational opportunity, as implemented in Minnesota public schools, particularly for (K-12) school Indian school children. We will be interested to learn how the 70% Indian graduate rate in Minnesota is impacting on on tribal development and about general employment data showing patterns of employment of these graduates of post-secondary institutions.

2.6 Position Paper on Tribal Government, Thomas

Dr. Thomas' paper on tribal government evaluates political structures and analyzes the state of tribal government legitimacy and cultural fit, and is an analysis from a cultural perspective contrasting from the European common law as applied to tribal governments" analysis by Dumont and Kaudy, presenting a balance in a framework of analysis.

The concerns raised by Dr. Thomas tend to extend outside the realm and immediate control of tribal governments. The cultural and social organization of the Wisconsin Winnebago people has remained relatively intact despite many changes in the economic environment and impact from the influence of social institutions, such as educational, legal, and other systems. The strength of the cultural and language maintenance may be assisted by financial support for language instruction, and establishing linkages between the elderly and youth through tribal programs. Ultimately, tribal governments cannot successfully legislate intangible and abstract values any more than equal treatment of special treatment of special protected groups can be legislated by state legislatures without careful and continuing followththrough procedures and efforts.

3.0 Conclusion

Common threads tying each of these papers in American Indian Tribes in the 21st Century together is concern for cultural preservation, language maintenance, tribal and leadership, and search for initiatives to ensure educational opportunities for Indians. There is an absence of discussion concerning economic development. Inasmuch as the format of this paper is a reaction to concepts in the collection of papers in American Indian Tribes in the 21st Century, initiatives in economic development is not given attention in this paper.

In conclusion, as the leadership of each Indian organization and tribal government takes responsibility to plan initiatives to advance the development of their resources and opportunities a continuing review and refinement of efforts must be made for Indian people to realize their own versions of the "American Dream."

Augsburg College
731 21st Avenue South Minneapolis MN 55454

MEMORANDUM

TO: NAES College Symposium Planning Committee

FROM: Bonnie Wallace, Director BW
American Indian Support Program

RE: Request for comments, etc.

DATE: 4 March 1987

I'm sorry I did not respond to your first request but I am enclosing an article that was published about two months ago. I would like to submit this into your major publication that will be used for the purpose of sharing pertinent information with tribes, communities, tribal colleges, etc.

Thank you.

cc: file

A College of The American Lutheran Church

Editorial written and submitted by Bonnie Wallace reads as follows:

I believe American Indians are the only racial group in the world who have to validate their very identity by documenting "blood quantum." Having worked in the area of Indian education for 15 years, specifically in higher education, I've not met an Indian educator who has not wrestled with this very sensitive issue at some point in their contact with Indian students.

Many services provided for Indians are based on a 1/4 blood quantum requirement. Indian scholarships, in particular, require verification of being at least 1/4 Indian and enrolled with a federally recognized tribe.

The Minnesota Indian State Scholarship Program requires Indian students be at least 1/4 Indian, period! This means a student could be 1/8 Red Lake Tribe and 1/8 Minnesota Chippewa Tribe and still qualify. Many of these students are not enrolled with a "tribe" because they do not meet tribal enrollment criteria of being 1/4. To complicate things further, mixed bloods often do not qualify for Indian scholarships, yet many of them are born and raised on reservations and definitely identify with a tribal group.

Congress and the Bureau of Indian Affairs have determined blood quantum eligibility requirements, yet it makes more sense that the tribes themselves should decide who to enroll for tribal membership. Tribal sovereignty is generally defined as a "nation within a nation," a "government to government" relationship with the U.S. Therefore, shouldn't tribal sovereignty itself warrant that tribes determine their own blood quantum? One southeastern tribe recently did away with all this blood quantum business by enrolling everyone as "full bloods." The tribe, then, provides services to all members on an equal basis.

Adopted Indians also face an uphill battle in securing Indian scholarships. Many are not eligible because of the complexity in researching their background. Most state adoption units are responsive to inquiries, but the question of accuracy is ever present. Some adopted Indian students' biological parents were also adopted and, in some cases, their biological parents were also adopted. What are the chances of confirming an accurate blood quantum then?

Both of these situations are very sensitive and often controversial. What are the answers? There is something colleges with Indian support programs can do. Seek private, corporate, and other funds to initiate a special grant program offering students a resource based on need and to supplement all other forms of financial aid. The program would not have to be large, but it should certainly insure adequate support for these students. Academic institutions should assume their rightful role in taking this first step.

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AVID H. JEFFERSON
Councilman
RNEST J. JEFFERSON
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DWARD L. JONES
Councilman
ANDY J. KINLEY
Councilman
ERNON A. LANE
Councilman

April 9, 1987

NAES COLLEGE
Native American Educational Services, Inc.
2838 W. Peterson
Chicago, IL 60659

Att: Terry Straus

I have read your booklet and found it to be very informative. Your interest in American Indian Affairs is to be highly commended.

I especially noted the section on the importance of preserving our cultural and traditional values as well as our language. Our tribe is one in which our language has about disappeared, and as time goes by the ones who speak and understand are leaving us. This leaves us in a very critical situtaion. We fully realize the importance of our language as a factor of identity and self pride.

Of equal importance is the preservation of our Arts and Crafts. Our children should know how their ancestors contrived and made the necessities of life. They should also know the traditional foods and how to prepare them.

Your booklet has given me an insight as to a vehicle whereby we may be able to establish our langauge in our school system.

Thank you for sending this publication and I will be looking forward to your major issue.

Sincerely,

Larry G. Kinley
by: Florence Kinley

Larry G. Kinley, Chairman
by: Florence Kinley, Assistant
Lummi Indian Business Council

LGK/FK:kg

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Chapter 3:
New Directions in Indian Purpose

INTRODUCTION: NEW DIRECTIONS IN INDIAN PURPOSE

With partial funding from the Illinois Humanities Council, the Illinois State Board of Education, and the Joyce Foundation, NAES College organized a public forum to address issues of critical and immediate concern to Indian tribes, communities and individuals. The forum took place at the Field Museum of Natural History in Chicago. It included two formal papers, a panel discussion, and audience participation.

The first paper, given by Flo Wiger of NAES/Twin Cities and the University of Minnesota, addressed immediate concerns in Indian higher education. Indian tribes and communities, she argued, must assume responsible control of the higher education process for Indian people.

In the second paper, Dr. Donald Fixico addressed the sovereign status of tribes. He illustrated different types of sovereignty by comparing the Creek Nation, with its delegated and/or negotiated sovereignty, and Thlopthlocco town, a traditional Creek town which retains today its inherent sovereignty.

Tribal sovereignty was seen to underlie the recent fishing rights controversies in various tribes and various parts of the country. The panel discussion on fishing rights was introduced by Don Allery of Red Lake, and moderated by Don Fixico. Dr. George Cornell of the University of Michigan, Jewell James of the Lummi Tribal Council, and Jim Zorn, tribal attorney of the Lac Oreilles Reservation in Wisconsin participated in the panel.

The entire transcript of that forum is reproduced below, including question and comments from the audience. As a transcript, it reflects the oral nature of the presentations.

New Directions in Indian Purpose
Tape 1

Faith Smith: Before we begin let me ask Tim Vermillion to open with a prayer.

Tim Vermillion: Good morning everyone. (Prayer in Lakota). In English, I just briefly stated that we are meeting here today to discuss some serious matters, and I asked the Great Spirit to be involved in it, to assist us, so we can walk in his manner.

Faith Smith: Tim is a member of the Standing Rock Sioux Tribe, he is also in charge of the Human Service Department at NAES College.

Let me welcome all of you here today. It is a pleasure to see all of these warm faces. We hope that during the day other people will have the time to come and join us. All of the sessions that are to be presented here today provide information to which those of us working in Indian programs in Chicago very rarely have access. The people who will be speaking, who have been invited to share what their experience has been, are people who not just study about issues, but people who are directly involved in them in their various communities. That's a very important part of balancing out what we learn about in the books with what peoples' experiences are. And how we can begin to change our behavior to support Indian communities all over this country.

Let me introduce a couple of people to you before our speaker. One is Don Allery. Don is from the Red Lake Tribe. We invited him to share a little bit this afternoon about the issues that Chairman Jourdain is involved in and other people at Red Lake. He will be sharing a little bit of that later on.

A person here who is very special to NAES College (Native American Educational Services) is part of the reason we are gathered today. In 1961, there was a conference held here in Chicago. The American Indian Chicago Conference and the person who had organized and served as its coordinator was Dr. Sol Tax. Dr. Tax worked with Indian communities all across the country, encouraging their participation, not wishing to serve as the person who dictated what went on at the conference, but who worked to create a forum so that tribes could come together and could begin to figure out how the whole issue of self-determination (which was a very new term then-something that we've come to take for granted), was manifested within Indian tribes and communities across the country. It was a very special gathering and the people who spoke and the people who developed the document that was to be known as the Declaration of Indian Purpose were all American Indians from many tribes. It is what, in working towards this conference today, we have taken our inspiration from. This is in no way a replica of the 1961 conference but rather a similar

step in organizing our thoughts and actions around issues that are priorities. Dr. Tax also serves on the Board of Trustees for NAES College, Native American Educational Services, and was a part of the planning process before there was a NAES College. So for that and for the wonderful friendship he has given all of us at NAES, we are presenting him with a star quilt.

Dr. Sol Tax: I have been aware of the custom of gift giving among the American Indians all these years and I'm embarrassed whenever I realize that I can never repay anything that the Indians have given me. The greatest gift of all is friendship and that they have given me all through the years since 1931.

Faith Smith: Thank you Dr. Tax. Before we go on with the program, let me give you a little instruction about today's activities. Lunch is scheduled for 12:00 and there is a McDonalds here in the Museum. For those of you who want to have lunch at McDonalds, it's right on this floor. We will show a film here at 12:30 P.M. on sovereignty, so if you would like to see the film, eat quickly and come on back.

There will be several people arriving during the day who will be giving various presentations. The first of those here with us now, is a woman who formerly worked at the University of Illinois as the director of the Native American Support Program. Flo Wiger is Sioux from Standing Rock. She is today the Coordinator of Minority and Special Student Affairs at the University of Minnesota. Flo has been involved with several Indian programs in Chicago for some time and continues to support our efforts. Even though she's physically not in the Chicago area, we always think of her as being here and being one of us. She's currently a doctoral candidate at the University of Minnesota. She has taught extensively in institutions in Illinois and Minnesota and has been a guest lecturer in many programs. Flo has served as a dynamic supporter of community-based education among Indians. She has very clear conceptions of what Indian education ought to be,and articulates them exceptionally well. Let me introduce Flo. Her topic is "New Directions in Indian Education."

Flo Wiger: Good morning. I just want to thank the Field Museum and NAES College for inviting me here today to share some of my thoughts with you. I have to first make some disclaimers, however, that may help to explain my view on what I am going to share with you in terms of Indian education. That is, first of all, that I'm not a scholar. I am not a scholar in the sense that one uses scholarship as being separate from or removed from the experience of the community. It is impossible for me to detach myself from what I do and to view something with seemingly objective eyes. I'm not sure that it really exists for anyone. I know that it doesn't exist for me and so I want to be very clear that what I'm going to share with you today comes out of my experience, my view, the view of some Indian people I know. It is certainly not the view of every Indian in terms of education.

If I were to describe how I view myself within the category of "scholarship", I would say that I'm a practitioner. On my good days, my really good days, I am a teacher. On those days I can do things in such a way that there are some people who will learn from what I can share with them. I am not sure that many of us have a whole lot of good days when, in fact, we are teachers. I think that most frequently those of us involved in this process are instructors; that we have certain pieces of information that we put out and people take those pieces. In terms of what happens then depends on them, not us for the most part. So I want to put those kinds of disclaimers out for your consideration. Also, I don't have any real concrete answers to the questions and issues I am going to raise. The longer I'm in this business the more I realize that all I have are questions and the questions are becoming more difficult and the answers I believe will be extremely complex, as complex as the changes that our tribes and communities continue to undergo.

The other thing that was very difficult for me was the process of writing everything down. I am by nature a very oral person and writing is not as comfortable for me as is speaking; at some point then I may just take off on a particular area if something strikes me that needs to be said that I don't have in my notes. The last disclaimer I would make is that I hope that what I share with you and what I say will not be found offensive. It is not my purpose to offend, but rather to reflect what I see happening in terms of the educational process today for American Indian students.

This morning as we were preparing to come down here, I turned on the television and the announcers were talking about attrition and retention rates for students in high schools across the country and they were sharing some very startling statistics. Those of us who are quite involved in Indian education tend not to think about the dropout rates in the broader community as much as we concentrate on our own. But these statistics really caught my attention. They were talking about the fact that in California over forty (40%) percent of the high school students drop out before graduation. In this country across the board, over twenty-five (25%) percent of the high school students drop out before graduation. Now given the fact that American Indians are a very small percentage of the number of students that are in high school and given the fact that across the country other people of color are not the majority of students (although in many urban districts, this is rapidly changing) in high school, there is a very large number of White students dropping out of school. That says something in terms of the educational process. It says something about the fact that a phenomenon which has existed for us as American Indian people is not peculiar to us. Nor is it peculiar to students of color or to people that are poor or in some way disadvantaged. It is something that is cutting across gender, race, economic stratification. That ought to worry folks involved in the educational process a whole lot because something is obviously not working. But for our purposes, I want to

concentrate on what I see happening in Indian education.

Over the past ten or fifteen years, we've seen significant changes in the area of American Indian education. More Indian students are entering all segments of the educational system, relevant (more or less, depending on your point of view) curriculum is being developed, more Indian faculty and staff are available, Indian parents are becoming more involved in the educational process and tribal governments and Indian community organizations are active participants and in some cases have control over educational facilities. Our community colleges and NAES here in Chicago are good examples.

All of the above developments are, at first glance, seemingly positive. Who would not want more students in school, more Indian faculty and staff, and more relevant curriculum. These accomplishments, however, represent at best outcomes or products of a process. And the process is, I believe, at least part of the issue that we need to raise and have dialogue about. One should first examine the idea of education as it exists in this society, in this country. What is the educational process? Where does it come from? What is it supposed to accomplish? And finally, what is the relationship of education to American Indians, both as a process involving teaching/learning of tribal people and as a facility of academic content. One commonly held assumption about education is that it prepares individuals to live as members of society. Another is that it acts as a tool of social control. Another is that it functions as a gatekeeper with societal stratification. In part, this area is tied to, but not exclusively, the idea of employment or career function. Another assumption is that it maintains the status quo and does preserve some semblance of social order. As an example, we all are taught through our process of education to start at green lights, to stop at red lights, to turn your turn signals on when you're going around corners, that sort of thing.

Immediately, however, given these assumptions, one begins to question the relationship of this process to American Indians as tribal people, either on the individual student basis or as a method to transfer content and knowledge about particular communities or tribes. The American educational system has its roots and tradition, I believe, within Greek philosophical thought and Judeo-Christian religious orientation. To these two components we have added what Alvin Toffler, author of Future Shock, calls the factory syndrome. Thus in order to accommodate the ever-increasing demand for educational services, we have taken the approach of raw materials in, the same prescription for treatment applied, and a uniformity more or less of the finished product. This three prong model then, Greek philosophical thought, Western Christianity, and American ingenuity and know how (which is expressed in part through industrialized society), is utilized to deliver the majority of the public and, in some cases, private educational services in this society. These services are most often quite separate from the needs and wants of any

particular community and, in fact, actively try in a very deliberate fashion to separate the individual out of society for the purposes of the learning. Yet the expectation is that somehow this same individual, upon mastery of certain facts and information and the acquisition of certain technical skills, will then activate these tools for the good of all by becoming a useful member of society.

In most instances, the knowledge areas that people are to acquire, are taught as separate and distinct entities and have very little relationship to each other within the academic community. Only recently have some members of the academy begun to question whether or not specific subjects or discipline bases really do impact on each other. And in some of the more "radical" areas you have courses which are now taught by faculty members from separate disciplines in order to allow students to achieve a broad prospective or a more integrated approach to learning.

Now two other factors which are external to the educational process which I believe have had broad significant impact on it, are: 1) the role of the rugged individualist in the development of American society and 2) the concept of Manifest Destiny prevalent at the turn of the century which today is expressed through integration and/or assimilation. In the case of individualism, the culture of this society has adopted a standard of behavior which consistently places one person's experience in conflict with another. One's legitimacy is expressed and in fact validated by one's ability to function seemingly in isolation and definitely better than someone else. Professional schools, for example, such as law and medicine, make use of this idea with enthusiasm. Students are encouraged to collaborate only to the extent that the collaboration may benefit oneself. Manifest Destiny, which today is viewed as something that mistakenly occurred in the early 1900's, is indeed alive and well in the 1980s. As it was practiced then, it was in the overt fashion of racial or cultural genocide; it exists today, only in more subtle forms. At best we promote integration into an oppressive system which allows us to be part of the oppression.

The assimilationist policies which are simply in a different place on the continuum from integration are strongly demonstrated within the educational system. There is a perception that a large general framework which is the knowledge base of human society exists. And that it exists as a characteristic by and large of Western European society. Consequently, Indian education is viewed as a deviation of that framework. Rather like looking at American history and then saying, "we will look at this same historical phenomenon only through Indian eyes". The issue is actually that the phenomena are quite different. Western Europeans put far more emphasis on their interaction with tribal people than they place on the interaction of tribal people with each other, which is where the tribal people place the emphasis.

As an aside, I have been rather fascinated as to how the

educators in the dominant society view tribal creation stories. They appear to view these creation stories as myths or folklore while retaining a fairly comfortable sense of acceptance with the idea of creation in the Garden of Eden, an apple and a snake. I don't understand that kind of thinking.

The educational process which we know today in regard to Indian students or Indian education is at best in many cases a reflection of Western European educational thought. We have inserted the word American Indian before the word student and we've gone right along down the same path, using the same methods, same programs and the same prescriptions. Yes, there are more Indian students graduating; there's more development of curriculum; there's more tribal ownership of educational facilities; but I question whether we really have accomplished what we thought we set out to do. Have we in fact merely been placated through the utilization of terminology. The increased graduation rate refers in many cases to a checkoff on the racial/nationality category of the Affirmative Action forms. It is an indicator of the fact that Indian students are able to tolerate the educational system as well as anyone else. Curriculum is being developed and in many cases by people, unfortunately, who have no sense of tribe or community and no knowledge base other than the reading of assorted texts and spending a few summers on the reservation to get the "feel" of the people. Now I do not wish to insinuate that all curriculum developers are out of the same bag; I believe the significant difference however is in who does the selection of who is going to develop the curriculum. When a tribe or community chooses, and many do, to have non-Indian participants in that process, that is the right of that tribe or that community. What becomes critical is that they have chosen, they have made the determination, not the other way around. Another place where this experience really comes to life is in post-secondary institutions within American Indian Studies programs. You have an assortment of all kinds of people from across the country who attempt to validate themselves within Indian Studies without having that validation come from within the tribe or the community. I feel very strongly, in fact passionately, that the interjection of non-Indian people into these programs as teachers and researchers without the acceptance and the validation of the tribe or community is a violation of the tribal/community right to self-determination which can be viewed as one of the worst forms of paternalism.

Tribal control of the educational area is perhaps the most difficult issue for me to raise. I believe that today tribes and communities are under tremendous pressure and in a state of tension and conflict. These tribes and communities are attempting to preserve who we are as a people, who we are as nations. We also have to live, on a continual basis with the conflict of attempting to satisfy the various publics with whom we must interface. Federal and state governments, funding agencies, and the BIA to name only a few. In order to maintain our survival, this interface must take place and yet the question must be asked,

what does that interface do in terms of attempting to preserve a particular world view or orientation. So we have had to become partners in a political process since that is the only process available (the only game in town, so to speak). What price does that partnership exact within the educational experience we are trying to provide our communities.

So what must we do now? This is where the hard part comes, this is where the complexity and the difficulty exist. The answers I believe are beyond anything that I think that we are currently doing in terms of the response. I believe that fundamentally we must re-examine the entire educational process. We must find ways to again have tribes and communities become the producers of education. The process as it exists today is that the educational system becomes the producer of communities. The educational system takes the students, attempts to reorganize them, and then puts them back out and says, "now form your communities, become members of this or that in terms of being the productive member of society." It strikes me that that is the juxtaposition of what we have had in the traditional cultural sense, where the tribes/communities determine education and the educational milieu was created both within the tribal/community and emanated from the tribe/community, but was never separate from that tribe/community experience. We must initiate changes, therefore, which will allow us to educate our young people in the knowledge and the ways of our tribes and communities. I believe it must be done, and I'm using the word must because I feel we are at the point where few options exist. We must institute these educational changes in a way which will allow us cultural integrity as Indian people. This is what we should have for our children.

Faith Smith: Are there comments or questions for Flo?

Shirley Hattis: Flo, you raised a very interesting point about the post-secondary staffs or facilities in various schools that are not given sanction by individual tribes and so forth. And upon that I would like to add the following questions. If the tribes have not enough people at this point prepared to take on those positions where there are universities, private or state sanctioned, who are willing to communicate that position, isn't it far better to have at least at this point in time a dedicated consecrated, if you will, anglo who tries at least to absorb as much knowledge as possible and pass it on. Isn't that far better then say someone who may not be prepared or is not so dedicated. I'm just saying at this point in time: I'm just raising the question.

Flo Wiger: Well, first of all I do not accept the premise that there are not enough people prepared. I don't accept that at all. I can give you chapter and verse of searching around the country, at institutions, some of which are small state supported institutions, some of which are major research institutions, public and private, where very well qualified American Indian people have applied for positions, people with Ph.D.'s and they

have been rejected. And we can go across the country and we have seen that experience over and over again. I believe that the rejection exists out of fear, out of ignorance and out of "good old" basic racism. Because in fact, and I can say this, - I've worked in one of these places - I've worked at the University of Minnesota for a number of years, I've sat on a number of search committees and the experience still occurs over and over again is that when we do have absolutely well qualified people coming in, they are a threat to the existing academic structure. And in part, they are a threat because these are people, who if they've gotten through the process to acquire a Ph.D. and have still retained a sense of cultural integrity, certainly are very special unique individuals and who, once they get into those settings, are immediately going to begin questioning some of these assumptions which exist in the educational process. And people don't want those assumptions questioned. I mean, we're talking about knocking down the walls. And that's real frightening. So, first of all, I don't accept that premise that there aren't enough qualified people. There are. They are not being hired. As I say, you can chapter and verse that across the country.

Secondly, do I believe then that it would be better? No, I do not. I do not believe that. I used to. I do not believe that today. I believe only if the person comes with the sanction of the Indian people because if you do not have that sanction you can not appropriately speak on those issues. Even if you may feel you have the technical information if, in fact, that has not been sanctioned, it doesn't mean anything. Because the sanctioning process is critical to the legitimacy of the knowledge base. That's a hard one, I really think so.

Man: I'm curious as to how you practically put this into place. I taught at Trent University and at the University of Manitoba, both in Indian Studies programs. I'm Ojibwe from Northern Ontario. We have to do more than just get Indians in there. See, both at Trent and the University of Manitoba, we have Indians teaching who wouldn't attract attention, who are so far removed from their communities that they wouldn't know what it means to go back there; they don't speak their language and they have no connection at all with their past. The only situation we have that works the way you're talking about is the FSI up in Saskatchewan, and the problems we run into with the Federated College is that it has become the model for the Federation of Saskatchewan Indians and really serves no kind of useful academic purpose. So what kind of practical structures do you use up there?

Flo Wiger: This is why I say quite a few issues for me are simply more complex. This is why I made the disclaimer that we have this political process which has existed for tribes and communities somehow and I don't know what the answer is for everybody else. I'm questioning myself what the answer must be for me, and within my own tribal experience, how to separate out that political process from the issue of cultural integrity. I really

feel where we need to be focusing is on the issue of cultural integrity.

Man: Do you think this is achievable through the structure of the modern university?

Flo Wiger: No, I do not. I do not believe it is achievable. I am talking about, - you know if I had a model, it would be great, but I don't - I'm talking about something that I know in my mind and my heart is telling me. There has got to be some kind of separation. That we have to move out of that experience and into what, is what I'm struggling with. Having been in the process for a number of years, I don't see that the process has worked for us other than to move us in large part into the dominant structure. And that's where the rub comes, because I think that the concept of cultural integrity is far different than nationality or racial category. Which is what I think has happened with a number of other groups of people of color in this society. And I understand that that doesn't answer your question. I'm simply phrasing it for you. Maybe you have some help with it. The Gentleman.....?

Second Man: I haven't been talking about the American Indian issues as much as Black and Hispanic. But it's the same thing. What you're talking about is an educational system that moves people out of their culture and tries to Americanize them. And tries to the best of their ability to make them white, okay. And as they move up, as they get their Bachelors, their Masters and Ph.D., they become more and more white. Now you're taking that individual who's been anglicized so much that its ridiculous, that system has tried to take them away from their culture as much as possible. I'm saying that that's not the person you want to come back and be the educator within your culture; but who else do you have to rely on. Now the problem is, and this lady brought it up, is that some people have felt that they prefer having a sensitive Anglo rather than insensitive Hispanic, Black or American Indian. And that's the concept here, and there is no answer. Except to start with the system right now, the educational system that's culturally sensitive and try to work on that and develop a group of individuals who keep that connection with their community as they go through or try to identify those who still keep their identity. That is such a huge problem.

Flo Wiger: And there are clearly those people. I certainly would never present the fact that every Indian person who goes through and gets a Masters or Ph.D. is gone. ("Well, that's it. Hang those guys up!") That's clearly not the case. We have folks who have kept those connections. However, if you look around the country at our institutions, particularly post-secondary institutions, you can name almost person by person those people that are out there. I guess what I'm suggesting is that somehow you have to create a different game and its got to be ours.

Male Speaker: I'd like to pick up on that notion of sanction for non-Indian scholars working in that setting. I'm sitting here

listening to you and I'm going, at least to myself I'm going, that's a tribal responsibility too, isn't that? It's not only an institutional responsibility, but it seems like its most certainly a tribal responsibility in that geographic region. You've got scholars working in post secondary education institutions that are insensitive to the culture of the particular region. Those people should be chastised in any way, shape or form that the tribe can bring pressure to bear upon them. I don't know, it seems like you overlooked that for a minute, but obviously you want to comment.

Flo Wiger: No, I agree with that. The reason I did not speak in any more detail about the tribal area of responsibility is that I am sort of categorizing this from my frame of being an educator within a public institution. Clearly, I believe strongly that in fact is the responsibility of the tribe. As Don Allery, I think could testify, whenever we have problems with the University of Minnesota, one of the first things we do is to send out a call to the tribes saying, you know, we need your assistance. The problem is, as I see it however, that we need a different form of relationship with the tribes and with the communities in terms of the educational process. It's not enough to call on them when we're in trouble. There needs to be a way in which there is an intimate involvement in the delivery of education and part of that side issue is certification. We have it at the University of Minnesota: we have three language instructors, two of whom teach Ojibwe, one of whom teaches Dakota. None of those three people has a college degree. In fact, one of them does not have a high school diploma. One of them, particularly, an older lady, is a very very strong person steeped in the traditions and culture of her tribe. That, in fact, is what she expresses in that whole language program. We have to fight every year with the administration of the institution in terms of their validation of those people. It's not up to them to validate, in fact, but it is because of that kind of process. So those are some of the things that become real difficult.

Don Allery: I think the problem goes back to the period of the Indian school system. The education system tries to look at their children as having to acquire an education as a means to get on in the world. In fact, the kind of education that a good private system also faces. Even the Red Lake reservation, which has ninety percent Indian kids, Indian teachers and an Indian school board, is still controlled to a great degree with the policy of the state educational system. Many of the things that the tribe deems important and critical to those people are not being taught in school on a comparative basis with the rest of education. And that's in fact what's happened at Red Lake. The others don't have that amount of control. Indian education for youngsters in the public school system is still pretty much a pull out program, instead of giving the folks this culture, history. But if it is important for the Indian student, it should be important for the non-Indian students.

Flo Wiger: For those of you who may not be familiar with the tribes in the United States, Red Lake has Chippewas who have for a long time been supporters of the right of tribal sovereignty. And if things like that happen at Red Lake, you can imagine what goes on at other reservations. And to follow up on that, Don, one of the issues as I see it is that -I'm always amazed- I teach a course every fall at the University, "Introduction to American Indian Studies", and actually it's not the course it was originally developed as, I've done all kinds of things with it myself; but I'm always amazed at what students in that class don't know. I mean, Minnesota has eleven reservations and you can hardly go anywhere in that state without bumping into one of them and yet every year I get 155 or 175 students in that class who have no idea what a reservation is, no idea that there are eleven. They don't even know that they know Indian people and it's that kind of process that has existed where there is an invalidation of the Indian student and their larger Indian experience and absolute ignorance on the part of the larger community, absolute ignorance of what the reality is.

Grete Rowland: I would like to make a couple of comments that I feel have much importance on educational control of the system. I think that when you look at the greater macrostructure of education which is part of the society, part of the industrial/ military complex of this country and then compare it to other countries, you see that integration of what we have of the so called system is like sixty years in the past. Not only do our people come from the country going to other countries, not knowing about their own communities, about their own country: they don't know anything about science, they don't know math, they don't know geometry. So I did want to make that comment.

Flo Wiger: I agree with you. I think that's precisely whats wrong with it. But I think because that system is the way it is, that it has that kind of negative impact on who we are. But if the system were better, I don't think we'd be in this shape. I mean I couldn't agree with you more that that experience exists.

Grete Rowland: But I don't blame the schools as such, I blame the greater society, the political configuration, the attitude of the people. I think it goes beyond the schools.

Flo Wiger: I don't question that at all, but, and I say this as an educator. I take very seriously my responsibility in that classroom in terms of the transmission of information. And there are some people in school systems who do take that very seriously. That is not in my experience with the majority of people in the educational system. There is, I think, on the part of many educators a belief that we have The Truth, whatever small kernel that is, and that's sort of what we give out and we don't want to give out the whole lot. If you look at how the process takes place in the school system. You don't get students, at least I don't, - when I get students as freshman in college, I find that many of those students have gotten by for twelve years,

by being able to memorize pieces of information, regurgitate upon command and sit quietly in class and don't harass the teacher. That to me isn't education.

Grete Rowland: I agree, but because of the value system of this society, we get more and more incompetent people in the system

Flo Wiger: I view the educational system, because I am in it, as being representative of what exists in society and the values that exist in society and I just feel that it's the responsibility of each person within that process to hold themselves accountable and say, "The rest of the world may be all screwed up, but that doesn't allow me to be screwed up."

I thank you, I thank you for your attention. What I'm hoping may come out of this (and I'm doing this very selfishly for myself,) is to start thinking, those of us interested in this topic. I want us to start struggling. Some of you have been struggling with this for years I know, but I want to continue somehow a dialogue of looking at these issues and trying to come up collectively with some of those answers.

Faith Smith: Flo will be here for the whole day. If you have any other questions you want to raise with her, please do so.

The next speaker is a scholar and also a practitioner. Don Fixico is an associate professor of History at the University of Wisconsin in Milwaukee. Don's tribes are Seminole, Creek, Sac and Fox and Shawnee. He received his undergraduate degree and Ph.D. at the University of Oklahoma in Norman. He spent some time here at Newberry Library in their Indian History program. He was one of the founding members of the American Indian Historians' Association which certainly has a big contribution to make in terms of trying to balance off how Indian history is reported. Don is involved in many Indian activities in the Milwaukee area. He is a very articulate Indian historian and spokesman in Indian education. His topic is "Sovereignty and Intergovernmental Relations". One other thing, he just published a book, that came out within the last two months, Termination and Relocation: Federal Indian Policy in 1945-1960..

Don Fixico: One of my professors a long time ago said, "Try never to follow a dynamic presentation." I am referring to Flo Wiger's presentation. That's what I'm up against today! Sovereignty and inter-governmental relations are issues, or at least two issues that are combined, which I thought I knew something about. But it seems to me that, after thinking more about sovereignty while trying to prepare this presentation, I thought of where to begin? What kinds of sovereignty are there? Whose interpretation of sovereignty? And I still felt myself lost...in a very ambiguous state. Looking at the knowledgeable people in this room, there are some of you who could probably address sovereignty better than I am able to do.

The most important issue facing the Indian communities today is their sovereign relations with the United States government. Since 1778, when the Delaware signed the first Indian treaty with the United States, the tribal nations negotiated a total of 389 treaties. These treaties are the basis for legal rights for Indian tribal groups. Specifically, the question here is: how is Indian sovereignty defined? Furthermore, what does this sovereignty mean? And what are the implications for the future? What will be presented here are various definitions of sovereignty, historical development and Federal and Indian protections of sovereignty. Also important is the development of inter-government relations which relates to the progress of Indian self-determination and sovereignty.

Webster's dictionary defines sovereignty as "supreme and independent political authority or freedom from external control." This definition will appropriately apply to traditional tribal leaders and their tribal governments. How is it that sovereign states in pure forms before the arrival of the white man can be discussed in the natural sciences? Most often the sovereign status of Indians is evaluated by non-Indians. Even in the American legal system, sovereignty is permitted in the non-Indian sphere. In 1778, the Delaware signed the first treaty, but with provisions which regarded their sovereign rights. For instance, the United States invited the "Delawares and other tribes" to join the present [United States] confederation and to form a state. Whereas the Delaware nation shall ...have representation on this. Furthermore, the Articles of the Confederation allowed Congress to manage the affairs of the tribes, but failed to prohibit states from making international treaties. In some cases a tribe concluded treaties with the United States and one or more of the individual states.

Before the coming of the "white man," (if I can use that term and get away with it) I think we examine sovereignty and perhaps realize the more pure form of it in that there might be some type of Indian definition of sovereignty. The Indians' own definition of sovereignty would mean more to them than the white man's definition of sovereignty. I'm sure Indians did not call it sovereignty, but they called it by other names. If you look at the balance of power, and I suspect we have to look at military power and perhaps the power of economics, the tribal nations and the Indian communities had a superior power in economics and also in terms of military strength. As they dealt with the United States government, we have to keep in mind historically that the United States was a very young republic, struggling, and did not even have a standing army at the time.

Vine Deloria, Jr. makes a very important point in a book he published recently, American Indians, American Justice. He stressed that the tribal nations dealt from a position of superiority and that should be considered when you look at the issue of sovereignty. This is my original point. As the tribes began to deal with the United States government, obviously they

had the stronger military power and the stronger system of economics. Even more than that, the states themselves, or the colonies as they became states, and all of them put together formed this republic and they were stronger than the United States government itself. So we have a triangular fashion of sovereignty being the issue and that the tribes were perhaps in the strongest position of all three entities here,--federal, state, and tribal. Many of us are not cognizant of that fact as we discuss sovereignty and think about it in retrospect. The concept of the "doctrine of preemption" is evident in the Treaty of Greenville in 1795. This treaty was negotiated with the tribes for the old Northwest Territory after their defeat. Let me read to you just a little bit. Under that system. "The Indians residing within the United States are so far independent that they live under their own customs and not under the laws of the United States. That their rights upon the land where they cohabit or hunt, are secured to them by boundaries defined in an amicable and voluntary treaty between the United States; and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties by which they received from the United States, ample compensation for every right to dispose of their land to any private person, nor to any power other than the United States and to be under their protection alone and not of that of any other power".

What this means is that as Federal-Indian relations began to occur, many times clashes, misunderstandings, wars and treaties resulted, such as the Treaty of Greenville I just referred to in the development of Federal-Indian relations, and with treaties being negotiated (a total of 389 altogether). And then also the erosion of sovereignty within the Indian nations, and with the treaty negotiations, it also meant a definition of sovereignty from the non-Indian point of view. If you note the last point, the tribes were losing the power of dealing with any other power than the United States. In a pure form, according to Webster's definition, sovereignty is freedom from external control. So with the signing of treaties it was the beginning of the erosion of tribal sovereignty for the Indian groups. In this sense, the tribes became a "domestic sovereignty" or a "limited sovereignty." They lost the rights to cede land to and to ally themselves with the nations of their choice.

Years later, in the court case of Johnson v. McIntosh (1823), Chief Justice John Marshall acknowledged the tribes' right of internal self-government. Russell Barsh and James Henderson tell us in The Road, that Marshall had "difficulty divorcing his consideration of sovereignty from discovery and ownership". In McIntosh, Marshall decreed, "Though the Indians are acknowledged to have an unquestionable, and heretofore unquestioned, form of rights to the lands that they occupy, until that right shall be extinguished by voluntary cession to our government; yet it may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may more correctly

be denominated domestic Indian nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession, when their right of possession ceases. Meanwhile, they are in a state of pupilage; their relation to the United States resembles that of a ward to its guardian."

This is further erosion of Indian sovereignty. The important cases in Federal-Indian law occurred several years later than the McIntosh case and this was during the famous Cherokee cases of 1831 and 1832, presided over by Chief Justice John Marshall. Native Americans simultaneously gained and lost further sovereign status. Let me explain. In 1831 in Cherokee Nation v. Georgia, John Marshall decreed, paraphrasing his famous phrase, that the Cherokees were a "ward of the state." However in the following year, Marshall reversed himself in Worcester v. Georgia and this set an important precedent in federal-Indian law. He decreed that the Cherokees, and I again paraphrase, were an independent nation. Now, all of the court cases today dealing with sovereignty (it seems that that's the essence of Indian court cases), relate back to the Cherokee cases of 1831 & 1832. In particular, in 1832, where Marshall decreed that the Cherokee (and this therefore having an effect on the other tribal nations) are in fact an "independent nation." Now that seems to be fine because in terms of theory, this means that the tribes are in fact independent nations. They do have sovereign status, though we don't realize who gave them that sovereign status. If they in fact did have pure sovereignty, they had that status; no one had to give it to them, and they would have understood it themselves, and I'm sure that they did. So it did not take the federal government to tell them that. So that is how we look at it from today's perspective,looking back in time. It should be pointed out that the Worchester decision has in effect conserved the basis of Indian sovereignty today. However, Indian sovereignty is determined by non-Indians and it is a "quasi-sovereignty" or "limited sovereignty." I point this out that Indian sovereignty can not have sovereignty determined by any other sovereign and that is not a "pure sovereignty" or "natural sovereignty".

So what is an Indian sovereignty in its natural state? Allow me to attempt to furnish a contemporary example. There is a small Creek town in Oklahoma which lies within the Creek Nation. The name of this town is Thlopthlocco. Thlopthlocco is a small independent community which operates almost independently. They are not very much dependent on the federal government, nor are they dependent on the Creek Nation. So they're kind of a renegade group. Among the Indians of the Southeast, the Creek Nation was a very large confederacy consisting of Muskogean-speaking people; and as they went to war, the Red Stick faction did most of the fighting. They conquered other peoples and brought them into the confederacy. Well that same type of system, pretty much, is in effect today in the state of Oklahoma. But this renegade group is on the outskirts, the Thlopthlocco people. What has happened (and it seems that we've got kind of a dichotomy here) is that the Creek Nation itself, the larger entity, is becoming a powerful

bureaucracy. When you go to their business office and try to talk to the chief, for example, usually one of a battery of tribal attorneys is nearby. Then he also has this very large executive desk, sitting there with his white shirt on. (Now remember this is Oklahoma, so he usually has a bolo tie on.) And so he's sitting there and then the chief listens to you very quietly and he's quickly thinking at the same time because he is a very sophisticated tribal leader. He has to be, because not only does he run this bureaucracy, but he runs a very large tribal complex and its complex entities.

One of these entities is the business venture in the operation of Big Bingo. I think we better call it Big Bingo these days because it's just not little bingo. I mean, it's in the thousands and millions of dollars. For example, in the state of Oklahoma, in nine operations alone (and there's something like 23 operations of bingo) it was estimated that they pull in something like seventeen million dollars into the bank. Thlopthlocco has also developed a bingo operation. They're more traditional and not as progressive (if you use the terminology of progressive as meaning to assimilate and to acculturate like the white man). The situation is that their bingo operation is interfering with the Creek Nation's bingo operation. When the bingo operations are set up, what they usually do is to draw a focal point for a site and then draw kind of a circumference area of where they going to draw the clients. The people who play bingo are typically 45-55, usually people who are retired, people who have a lot of money, people who can afford to go there and play all the time. It's amazing. And they play for many many reasons, some people even have dinner there at the Creek Nation bingo complex in Tulsa. The Creek nation bingo complex has three facilities, the largest one in the city of Tulsa, which has the capacity of something like 1200 players. That's large! The second one is in Bristol and the third one is in Okmulgee, the site of the capital complex. But it is in the circumference area of Okmulgee where the Thlopthlocco people are; their circumference area overlaps. And so now it becomes kind of an economic war between the two groups for the same bingo clients.

Here is my point: to what degree does the Creek Nation have sovereignty and to what degree does the Thlopthlocco town have sovereignty? One, perhaps in the terminology of today's society, is more primitive, more secretive, more "savage" like, (can we go on with outdated stereotypes). Yet they practice their customs. If you talk to the Thlopthlocco people, they will address you in their native tongue so there's a language barrier immediately and they maintain it. Yet they're going into this area of business venture and becoming entrepreneurs, and they 're becoming very good at it. Perhaps that's more of a pure sovereignty than I mentioned earlier. The Creek Nation, however, is more progressive in today's societal definition: having new values, but at the same time their basic values are old.

The question was raised during the Flo's presentation of how

can you be assimilated and be caught in kind of a transitional area. Well, I think the Creeks have done it to some degree in that what they have done is to establish a capital in Okmulgee. Okmulgee was a traditional town of the southeast. Yet at the same time, they had communities (remember when I was talking about the confederacy in the Southeast), and in these different towns they had a confederacy. Well, they also have those same towns in eastern Oklahoma which also might be referred to as communities. Dances, not so traditional as they once were, are also held in these communities. And yet these towns and these communities are served by the capital complex in Okmulgee. And so there's just one site where everyone has to go to for services. Economic ventures have been initiated by the Creek Nation, and so it helps to develop the communities. One community might be working on an agribusiness for example, one might be doing a bingo operation and so they're helping the communities, their own communities, in that regard. This pattern is perhaps like the old confederacy did hundred of years ago.

Historically, the tribe's relations with the United States government have eroded it's sovereignty. Since the Marshall decision, the Civil War, The Major Crimes Act of 1885 and other major events in legislation, there has been a steady erosion of Indian sovereignty. Tribal sovereignty is defined for the tribes and not by the tribes. Conclusions can be drawn that Indian sovereignty has been defined by the federal government, and that this is a single interpretation of government which disallows any Indian group or individual from pronouncing what sovereignty is to them. This was continued until about 1961 when sovereignty began to take on an added dimension of self-determination. And that was in this very city, during the Chicago conference of 1961, when the tribes came together and in kind of a pan-Indian effect, and began to put together their own policy statement and presented it to the federal government. Since then there's been kind of an Indian self-determination, which became more highlighted under the Nixon administration. And also under the Nixon administration, which was a very critical period in terms of court claims in which compensation was made to the tribes, not just paying in dollars, but land was returned to the tribes. During the Nixon years, there was a new type of policy called self-determination without termination; self-determination without termination. Another type of sovereignty that has come into being since 1960 might be called a tribal sovereignty. Especially around the mid 1960s and after that. As Red Power began to develop from a concept into a movement and into the American Indian Movement organization. There was more of an effort at Indian action, Indian initiation, in these various ways. What that did was to revive a kind of a tribal sovereignty of the people taking the initiative themselves. And since then I think that we can say this close relationship of sovereignty with self-determination. They are almost the same.

Faith Smith: Questions for Don?

George Cornell: This question you touched on and I realize you

didn't have time to develop it. How do you perceive or how important do you perceive the whole notion of economic development that's occurring on reservations throughout the country in relationship to sovereignty and hence the power of tribes in the future? I mean you touched on it in the overview. I guess I'd like to give you a platform to speak on for a couple of minutes. What do you think about that movement?

Don Fixico: It's a trend, really; it's a new trend. I think it might be the area of policy, policy-making for the next generation. The interesting part is when you just look at American society in general. Today's college kids, for at least the past several years now, they're most interested in economics, to get their degrees and not to learn so much, but just to get their degrees: Not to think. Let me reiterate: college kids do not know how to think, so you have to almost start from square one to teach them how to think. But they're so worried about economics. That's where most of the jobs are. Now to address your questions, George. The tribes have realized that and that's why the bingo operations are so successful. I mean think about it, they're not making thousands of dollars, but millions of dollars now; not in one night, but over a matter of months. So what they've done is that they note their own value system and they've learned the value system of the mainstream society, and so they're able to play that against mainstream society and they're doing it quite well. There was a headline in one of the papers in Oklahoma, Oklahoma City. "State budget has lost 2.2 million dollars". Because they're not collecting any taxes from the bingo operations in Oklahoma. Well that is a misleading headline, because they've never had the power, the authority, to tax the Bingo operations. How can you lose 2.2 million dollars when you've never had that right to begin with? So that tells us something about the economics of the future. That the tribes themselves are going to be very competitive with the mainstream society and mainstream corporate operations and with the other tribes themselves. It's amazing what's going to happen. More Native Americans with masters degrees in business administration and more Indian attorneys.

Man speaking (Question inaudible)

Don Fixico: Very true and so you're going to have a kind of a "quasi-sovereignty" or "limited sovereignty". But let's look at it this way: if you are a corporation and you had government grant assistance, wouldn't you take it to a private industry and still tell the government, "well, we need some seed money and we just need a little time to develop and get started on our own." And maybe that year goes by and then if the government still has that program available so why not go back to it.

Woman: How much time do you think will have to pass before the Indian governments get beyond things like bingo halls and tourism and get into something in real industry, a real environment for learning? Because if that happens in regards to education, we

will have highly educated people.

Don Fixico: I didn't mean to dwell on bingos too much. I'm curious about them. Has anyone seen the film called, "The New Capitalists"? If you've seen that, I mean if you want to impress students, it's appropiate to any group. It describes some of the tribal nations who are involved in economic areas which you won't believe. One of the tribes in Arizona has a drag race track. So they have that kind of revenue coming in. They're into all kinds of business areas. Except that it's the bingo operations that have captured the nation's interest, and many peoples' pocketbooks.

George Cornell: I have one question. We've got five casinos in northern Michigan right now besides that casino, and from my experience working with some of the tribes, it's really been important that the bingo and casino gambling has allowed them a base to capitalize other ventures and to diversify the tribal economy. I think a lot of people are involved in that right now all across the country. You think of business dailies or business journals, you're going to read about Indians in bonding issues, you're going to read about Indians involved in leverage buy-outs. Very sophisticated financial deals are going on today. I would agree with you that it's a very exciting area. But I think what is most important about it is that it has provided the tribal diversification, get away from some the bingo activities and create more long term job developmental situations.

Don Fixico: Let me refer back to bingo again. The problems about bingo, they keep going on and on. A lot of people don't realize that, and I'm sure that this is the same situation of other tribal bingo operations. They're not just taking the money and expanding into other bingo complexes. But they're taking the bingo money and, for example in the Creek Nation, putting it into their hospital; they have their own hospital, they have a staff with Indian nurses and Indian doctors. They're taking that money and putting it into scholarship money for college aid. So whatever the BIA only gives you up to a certain scholarship amount, then the tribe will help to fund that as well. They've reinvested that money back into the tribe, into various programs, not business programs but types of social services to help their own people: a tribal elderly program, a feeding program, a nursing program, and all kinds of things like that, in addition to putting much of the money into kind of war chests. Because the day will come when the state will try to start taxation and there have actually been bills drafted to start taxation of the Bingo operations. The Bingo operations of the tribes of Oklahoma have banded together into kind of a coalition and the state government attorneys are studying tribal sovereignty to tax bingo tribes. It's a war of economics. Any questions?

Faith Smith: Its time to stand and stretch. You can ask some questions of Flo or Don. We have an hour for lunch and the film will be shown at 12:30.

Faith Smith: Let me welcome you all back this afternoon. One of the things I did not mention this morning is a publication called American Indian Tribes in the 21st Century. It was published in a preliminary draft with a number of writings including contributions from the NAES board of trustees and faculty. The comments of presenters today will, with their permission, be incorporated into the final publication which will be available for distribution sometime in the fall. All the people who attended here today will certainly be on the mailing list to receive the final publication.

With that, I will introduce Don Fixico, who will moderate the panel on fishing rights.

Don Fixico: Fishing rights as you know is a very controversial subject and so what we hope to do in this panel discussion is to give brief presentations of something like 15 minutes each and perhaps clear up any questions directly with that speaker. And then, with that format, we'd like to reach a conclusion, and at the end of the conclusion of the presentation, open it up for an overall discussion of the panel members.

First of all, what we like to do is start with Don Allery. Don Allery is sitting on the end. Don Allery is a tribal historian for the Red Lake Band of Chippewa in Minnesota. He received his undergraduate degree from the University of Minnesota and his graduate degree in Educational Administration at Penn State. He's held many different offices and one of those that he was telling me about was when he was the Assistant Director of Indian Education in the state of Minnesota. So we're going to hear from Don Allery.

Don Allery: Well, thank you very much. I appreciate the opportunity to say a few brief words to you. I am a representative of Chairman Jourdain from Red Lake, Minnesota. He's very much interested in the concept of commemorating the 1961 Indian conference in Chicago. He had anticipated coming himself, looking forward to renewing acquaintances with Dr. Sol Tax and a number of other people in Chicago. However, he's been working on something else called the Alliance of American Indian Leaders. That is a group of ten (10) American Indian tribes from around the country who are looking at some issues that they believe are absolutely critical to the survival of American Indian tribes into the 21st century. We have, which I was looking through, some of the historical material on the Chicago conference. I saw this material. I saw the resolution that authorized Chairman Jourdain and two (2) other people to come here and another resolution authorizing the purchase of several copies of the Declaration of Indian Purpose. Also there was Jourdain's report to the council and it was very interesting. At that time, he had just been

elected Chairman of Red Lake, or a couple of years previous to that, and was beginning to assert a national voice on Indian affairs. I have had the privilege of working with him for the last three and a half (3 1/2) years and let me tell you, he's doubled his efforts in national issues. It takes everything we can do just to keep up with him. He'll be celebrating his seventy-fifth (75) birthday in July and still providing dynamic leadership as Chairman of his tribe.

Really what I wanted to share with you just briefly, is to talk a little bit more about what they're trying to do. Chairman Jourdain and President Chino of the Mescalero Apache held a meeting two (2) years ago on Red Lake and started talking about the legal relationship that exists between the United States and the Indian tribes. They looked at the very basis of it in constitutional law. In the constitution, all it says is that Congress shall have the authority to regulate commerce with the Indian tribes. Well, both these two gentlemen thought Congress and the courts took that very simple phrase a mighty long way and in the process they really put tribes in the position of being dependent entities rather then the sovereign status which they had when the pilgrims first came here. So they got some other people interested in this, some other tribal leaders. Primarily the Crow tribe, the Blackfeet tribe, the Oglala Sioux and, of course, the Mescalero Apache and the Ute. Jewell James, my colleague, we've have been meeting around the country, working with the same group and in a similar fashion. So they've had at least four meetings now and various press conferences. What initiated this was the bi-centennial celebration of the United States Constitution. All tribes in the country got a questionnaire from the Indian Rights Association out of Philadelphia, laying out a number of questions that focused on tribal sovereignty. The idea was that the response to these questions would be discussed at the symposium in Philadelphia in October of this year.

Jourdain got pretty upset and said why should we celebrate the constitution. Let's take a hard look at that. Now is the opportunity to get together, pull together some legal people and start looking at these legal questions and re-examine that relationship and then talk about it. Go to the symposium and give them the tribal perspective. Hopefully, it's set up so they're going to have some tribal perspective, some legal people on the panel and some scholars that have done quite a bit of writing on this topic.

I'm just going to read a little bit from this briefing. It says: "At that the first meeting of the Alliance in Kansas City in December, 1986, the purpose of the group was stated in a resolution. At the second meeting in Rapid City, South Dakota in January of 1987, the group developed a plan to accomplish that purpose. In February, members of the group met in Washington, D.C. to consult with Senator Daniel Inouye and Edward Bennett Williams. Tribal leaders have come together in an alliance to secure the rights of Indian tribes to exist as tribes in

perpetuity exercising tribal sovereignty. They believe that a careful analytical examination of the unique constitutionally recognized tribal-federal relationship will provide the basis upon which to guarantee full self-determination. Tribal leaders see restoration of a nation-to-nation status as including meaningful involvement in the federal congressional and executive decision-making process as it relates to Indian affairs. If that involvement can be effective, specific problems will arise less often and when they do, there will be a way to resolve them other than though litigation..... A major part of the plan is the education of the American Indian people and the Congress. The Native American Rights Fund will assist the Alliance by preparing a fundamental legal and historical analysis of the relationship of tribes with the United States as perceived by the framers of the Constitution. The Alliance will prepare an analysis of the traditional cultural perceptions of tribal self-government, of tribal governmental powers as they are exercised today and as they should be more fully exercised and recognized. The Alliance will also prepare an analysis of the international implications of tribal self-government as it exists in the United States today. The analysis will serve as the foundation of the public education process and of the entire plan to accomplish the restoration of nation-to-nation status."

So they've been going around the country, meeting with various groups. There's many more members than the ten (10) groups who started this, involved in it. It's an ad hoc group, there are more people getting involved each day. The Alliance hopes to focus the thoughts of the members of Congress and the American people on re-thinking and re-affirming the relationship of the United States with the American Indian tribes. It's the process of involving tribes in a meaningful way in the constitutional political system. So we are going to have the symposium in Philadelphia and it's the second week in October. During the course of their meetings, it was suggested each one of the tribes that were in attendance who were interested, would draft the concept of their own tribal sovereignty as they see it as tribal members. Red Lake has done that (it's about 2 1/2 pages) and I think it's important if people in education in the broader society are to develop a meaningful relationship with American Indian tribes, I think it is vitally important that they know how tribes themselves perceive themselves.

So I'd like to go through this statement entitled "The sovereign status of the Red Lake Band of Chippewa Indians." "The Red Lake Band of Chippewa Indians is a federally recognized, independent Indian nation who possesses all the powers of sovereign states. The inherent right of self-government precedes the United States Constitution and neither the traditional chiefs nor the current governing body of the Red Lake Band have ever relinquished any part of this sovereign right. Prior to 1863, the seven bands who comprised the Red Lake Chippewa owned and controlled more than thirteen million acres of land in northwestern Minnesota. The land holdings extended into North

Dakota on the west and into Canada on the north. The Treaty of 1854, signed by all the Chippewa tribes of Minnesota except the Red Lake Band, clearly established the fact that Red Lake was considered a separate and distinct nation by the United States government. Each Indian tribe begins its relationship with the U.S. government as a sovereign power recognized by such in treaty and legislation. For the Red Lake Band, this official recognition occurred with the signing of the Old Crossing Treaty of 1863. In this treaty, the Red Lake Band of Chippewa ceded more than eleven million acres of the richest agricultural land in Minnesota in exchange for monetary compensation and a stipulation that the president of the United States direct a certain sum of money to be applied to agricultural education and to such other beneficial purposes calculated to promote the prosperity and happiness of the Red Lake Indians.

Further recognition of this status occurred with the signing and approval of the agreement of 1889 and the agreement of 1904. In these agreements, the Red Lake Band of Chippewa ceded 2,256,152 acres included in the McLoughlin Agreement of 1904. There was a guarantee contained in Article 5. It is understood that nothing in this Agreement shall be construed to deprive the said Indians belonging on the Red Lake Indian reservation of any benefits to which they are entitled under existing treaties or agreements. The aboriginal government status of Indian nations recognized by treaties and congressional agreements signed between Indian tribes caused the U.S. Supreme Court to rule that Indian tribes have a status higher than that of States.

The Red Lake Band of Chippewa possess all inherit powers of sovereignty that they held prior to the constitution of the United States. Among the powers of self-government upheld by the actions of the Red Lake tribal council include the power of the Red Lake Band of Chippewa to adopt and operate under a form of government of their choosing, to define the conditions of tribal membership, to regulate domestic relations of members, to levy taxes, to regulate property within the jurisdiction of the tribe and to control the conduct of members by legislation and to administer justice.

The current form of government evolved over the first half of the 20th century from the traditional leadership of chiefs and head-men to elected representative style of self-government. This evolution began in 1918 when the traditional leadership was formalized into a general council and the Constitution was written to provide statutory authority.

The Indian Reorganization Act of 1934 gave Indian tribes an opportunity to change their governmental authority, but the Red Lake Band of Chippewas rejected these conditions of the Act by a majority vote. After forty years of hereditary leadership through the General Council, the Red Lake Band chose an elected form of leadership and rewrote their Constitution. Since 1959, the Red Lake Chippewas have been governed by an elected council of three

offices. A Chairman, a secretary, a treasurer and eight representatives, from each of four (4) districts that comprise the reservation.

Under the leadership of the Red Lake Tribal Council, the Red Lake Band of Chippewa Indians have adamantly resisted all external incursions upon the sovereign right of the tribe to govern their own affairs. Both state and federal incursions of authority have been successfully denied on the Red Lake reservation. In that process, the Red Lake Band of Chippewa have established precedent-setting legal standards that apply to other tribal nations. Among the important legal challenges to tribal sovereignty Red Lake has taken to the courts are: Commissioner of Taxation v. Brunn. (Says that the state lacks the power to tax income from wages earned on the reservation by enrolled members living on the reservation.) White v. Tribal Council,(established that the tribal courts were the proper forum to decide issues of internal interest), again U.S. v. White (established that the federal Bald Eagle Protection Act does not apply to the Red Lake reservation); The Red Lake Band v. the State in 1976 (said issuing motor vehicle license plates is an appropriate exercise of the Red Lake Band's unique power of self-government. Red Lake is entitled to exemption from Minnesota auto registration statutes and to reciprocity in recognition as with the state or territory of the United States.) In 1986, the Bureau of Indians Affairs said that outside attorneys could practice law on the Red Lake reservation. Tribal council met in an executive session and decided that they alone control access to the reservation. They began the process of issuing passports. This government document officially grants an individual permission to visit or conduct business within the boundaries of the Red Lake Reservation. And that's also been upheld by another court ruling.

In addition to establishing precedents that uphold tribal sovereignty, the Red Lake Band of Chippewas have rightfully rejected federal legislation that would have imposed restrictive measures of federal or state influence on tribal government. The Red Lake Band of Chippewas, standing alone among the several Indian tribes of Minnesota and those across the nation, refused to accept the conditions of the Dawes Act of 1887, one of the most destructive acts of federal legislation directed towards Indian nations. Rejection of state jurisdiction through exemption from Public Law 83-280 (civil and criminal jurisdiction on reservations) significantly distinguishes the Red Lake Band of Chippewa Indians from all other Indian tribes in Minnesota.

As the Red Lake tribal council exercises their powers of self-government, they do so by reason of their aboriginal tribal sovereignty. Not by the delegation of those powers from the federal government. Some tribes refusing to accept or act on this more basic principle of federal Indian law actively seek legislation that would further infringe on tribal sovereignty. (This is another basic problem the chairman has with other tribes. There's a number of tribes that are playing bingo all across the

nation that are getting into gaming activities. A number of non-Indian interests are interested in getting state legislation that would infringe on the tribes' right to decide their own issues. He was in Washington last week, speaking in opposition to the Senate hearing and Thursday, I'll be there in his place again.) If Indian nations are to survive into the 21st century and beyond, each Indian tribe must re-examine their own understandings of tribal sovereignty and take action to re-affirm and uphold these basic principles that are the foundation of the tribes' relationship with the United States. And it also must be recognized that sovereign authority is vested as a tribal right and not an individual right."

Briefly, that's what I wanted to tell you and that's what the chairman wanted to share with this group.

Don Fixico: Thank you Don. Very briefly, are there one or two specific questions for Don. If not, then we'll move on the the next speaker. Our next speaker is Jewell James of the Lummi tribe. He completed a bachelor's degree at the University of Washington. He also studied law for one year. He has held a position as Coordinator of the Treaty Protection Task Force and has served on his tribal council for six (6) years. Also, during this time, he was vice-chairman, and treasurer of the tribal council.

Jewell James: Our tribal council says that if they give me five (5) minutes to speak, I'd take a half hour. So my colleagues said that they'd help me stay within the half hour. My name is Jewell James. I'm from the Lummi tribe from the State of Washington. We're treaty tribes and we're also tied up in cases that have a similar impact nationwide to other tribes. We have reserved resources by treaty and are exercising rights and entitlements to own and harvest those resources. Our case begins all the way in 1889 and extends to 1974 when the United States v. Washington, Phase 1 was decided and then 1979 when the United States Supreme Court confirmed what was decided in 1974 and, of course, as well as deciding Phase 2, U.S. v. Washington, dealing with environmental rights. What I'm going to do is try to cover some history and then bring you right to where we are at presently.

My official title is Coordinator of the Treaty Protection Task Force. First of all, keep something in mind, treaties aren't sacred, your word is sacred. That's what the Treaty Protection Task Force is advocating. That American Indian tribes maintain their words and it's like one Supreme Court justice said, "Great nations, like great men, keep their word" and Indian tribes nationwide are great nations.

The Lummi Indian tribe is a fishing community. We're an island culture. Even the reservation that we're on now was once an island till the United States illegally in 1916 and 1922, blocked off the tidal flats, therefore making us part of the mainland peninsula. However, we're still a fishing tribe. We

All right now, in regards to the State of Washington and the constitution, their constitution was ratified and they were finally accepted into the Union in 1889. In 1890, right away, they began to pass regulations to drive Indian tribes and their people off their usual, accustomed fishing grounds. The canning industry moved into the Pacific Northwest. They were no longer dependent upon fresh or dried, sun dried, wind dried, or salted salmon resources that were mainly the industry of the Pacific Northwest Indian tribes. That was our source of commercial trade, (not only with the United States, but also with Great Britain, Russia, Spain and France) up until the late 1840's when the United States through Manifest Destiny expanded into the Pacific Northwest. When they began the colonization of American Indians in 1848, they realized they forgot to treaty with us so they said, "All right, we're going to give you certain rights" as they say it now, but instead we say we reserved certain areas. We have fought ever since with the non-Indian governments, in their courts, by their rules, under their regulations as to exactly what was intended during that time.

The salmon industry in the Pacific Northwest is very complex, not only in litigation. This was a case of complex litigation. We had in the beginning, fourteen (14) tribes intervening or joined in the Phase I part of the decision. Now it's twenty-one (21) tribes and these tribes are party to several treaties, the treaty of Point Elliott, the Treaty of Makah, Treaty of Quinault, Treaty of Point No Point, Treaty of Yakima and Treaty of Medicine Creek. All the tribes are party to those. All had similar language and all had reserved rights to their usual and accustomed grounds and stations. When the decision was finally done, there had to be a means of managing on an intertribal basis as well as between the tribes and the state, a means of harvesting. The tribes were restricted to what we usually call usual and accustomed grounds and stations. Like we've said, Lummi is very large, it's a place that's in a very controversial position, both to the other tribes as well as to the state. We harvest fish before some tribes, before the state fleets, commercial and sport industries.

Now, in regards to management of resources, we have federal entities, state entities as well as Canadian and international interests all monitoring and watching what's happening within the Pacific Northwest. The federal government's got the Department of State in regards to U.S. treaties, they've got the Department of Commerce managing fisheries, Pacific Fisheries Managing Council, Northern Pacific Fisheries Managing Council, managing resources inside Puget Sound as well as exterior to the 200 mile zone, U.S. of Fish and Wildlife in the Department of the Interior, as well as the Bureau of Indians Affairs. All federal agencies, all participating in the management, all looking at Indians in regards to what Indians are entitled to and is there some way they can restrict their harvest. On the State side, you have the Washington Department of Game, the Washington Department of Fisheries, as well as the Washington Department of Natural

Resources and there are various communities packed with forces or other organizations that might be concerned with water quality, spawning habitat or the salmon themselves. Tribes within the Northwest Indian Fisheries Commission, Columbia River Fish Commission as well as the twenty (20) individual tribes themselves, who are either parties to the treaty council or representing their own individual tribal interest. And of course, we've got Canada monitoring exactly what's going on in regards to sharing with the United States and Canada. Everybody's got biologists, everybody's got lawyers, everybody's got politicians, they're all ready to litigate, legislate or negotiate. Litigate, legislate and negotiate with a question as to Phase II.

What is Phase II? While Judge Bolt said that the Indians were entitled to fifty (50) percent of the salmon resources, there was another right. The implied right to dip your net in the water and not come up empty. Therefore, everybody had to turn around and look at what their activities were doing to the salmon habitat. Whether it was geothermal explorations by Seattle City Light or small hydro development by Puget Power and Light company or an individual corporation or individuals themselves under the Northwest Power Guild or Bonneville Power Administration, or whether they were Weyerhauser, as a private logging company, et cetera, et cetera or any type of marina that was being developed. Anybody that could impact riverine water quality or marine water quality, whether or not slamon were being spawned in that water, being reared in that water, or swimming in that water. If they impact the salmon, they're impacting the environment. And somehow they're impacting our rights.

Guess what happens? Scare tactics hit all over the Pacific Northwest. Basically the mentality was, those gooks (Indians) got veto power over any type of development we want. I've seen the publication of a journal here called the "Timber Niggers." The timber niggers of the Northwest have veto power. All of a sudden, there was a great concern, what should the Northwest organizations, governments, corporations do? So they've hired experts. Experts came in and said, "You can't go on and litigate, you'll lose. If you take the Indians on and try to legislate, you'll lose; they're too organized. If you take them on and still negotiate, if you don't negotiate in honesty and good faith, you'll lose again. They will never trust you and will not come back to the table. If you really want to work it out, negotiate in honesty and good faith. You've got to do this and really live up to it. Walk your talk is what the tribe is saying. Then go ahead and negotiate and reach an agreement as to how you're going to manage resources for multiple use. How can somebody that's damming up a small stream for hydro power have a compatible operation to try to use the same water for either drinking purposes or breeding or hatcheries or for natural spawning habitat? Or how can the state manage the logging practices without the Department of Natural Resources, which manages timber property, public lands, lands that say fund public schools and other public institutions, managing those resources with the type

of clear cuts or maybe selective cutting that would be compatible with tribal interest?

Everybody's panicking in the Northwest, the corporations formed the Northwest Water Resources Committee, seventy-two (72) corporations joined. The tribes formed a basic steering committee, fourteen (14) tribes joined. The idea was steer everybody into a relationship where they could recognize the commonalties, understand their differences, try to sit down and quit making attorneys rich, quit going to Congress if they can avoid it and try to actually manage the resources for the long term public benefit, including Indians and non-Indians basically the Seventh Generation type concept.

Is it a success? Well, that eventually merged into the relationship recently being funded by the United States Congress for approximately three (3) million dollars, called the Timber, Fish and Wild Life, where the state, corporations and the tribes were all sitting down trying to figure out how to manage resources for everybody's benefit. So, in that area, there is some good coming out. People are paying attention to what they're doing to the environment.

Now, in regards to the salmon, by the time we got our rights in 1974, the salmon runs were basically destroyed. Not to the extreme degree of what happened in the Columbia River where all the dams were built, but damn near. So what's going to happen? Okay, two (2) arguments, the State of Washington argued in Phase I; well, if the Indians were entitled to the salmon then give them fifty (50) percent of the natural stocks, the wild stocks. Well, of course, they've damn near destroyed every wild stock there is. They're so depleted that there can never be any commercial harvest or commercial value. They're lucky if they can get fish to eat for subsistence purposes or for religious ceremonial. So the state found a way to get off cheap. Well, that's one approach. The courts addressed that and they said, "Wrong; you destroyed it, we destroyed it and had we not destroyed it, they would have had plenty. Just as they did in the beginning." So the Indians are also entitled to hatchery stock. So what happened. Tribes then started building hatcheries. Now there are something like sixteen (16) or seventeen (17) Indian hatcheries in the Pacific Northwest. Our tribe has two (2). We have one on the saltwater marina area and one up in the mountain area. We are proud to state that we put more salmon back into the industry then we'll ever take out in any given year. Our salmon are caught in Canada, Alaska, northern California, Oregon and are caught by commercial and sports fishermen. And when they get back to our reservation, pass through our waters, there is more than enough to cover the needs of our people. And that's just on the hatchery stocks. Tribes are also not ignoring wild stocks. Tribes are very concerned about genetic diversity. Don't destroy every wild stock: if you destroy the wild stocks, you'll weaken what's left. You can start inbreeding genetically, but we're very concerned about that. We had problems with our hatchery stocks a couple of years ago. They

were all fed from the same food source. Guess what happened? The food source had an over-abundance of calcium, an under-abundance of zinc. This caused a high incidence of cataracts to hit the salmon population. Both state and tribal hatcheries were using a common food source and had a high mortality rate.

In regards to other issues, we have one of the best known anti-Indian senators ever to hit the U.S. Senate in a long time. Ex-Senator (and I emphasize ex-) Slade Gordon. When he was elected he pledged and came in saying, "I am your next great senator". Well, he thought he was so great that he turned on all people that supported him and put him into office; Boeing, all the corporations. He stabbed them all in the back, he could not live up to his committed word. Even his own party. When he negotiated, he sold them out in order to get his own way. Guess what his reputation looked like at the end of his term. Not only us, (and I quote) "timber niggers" hated him, but everybody else hated him too. So, even though he was living up to a famous campaign slogan, "The only good Indian is a dead Indian", he lost the next senate race. He's out of office. All Indian country is happy. He was on the Senate Select Committee on Indian Affairs. He did everything he could to hurt Indian country, but he's out. Dan Evans replaced him and he's working with us. Dan Evans is in support of Senate Bill 727, along with Senator Adams who came out into the open since Slade disappeared. So I think Slade must have had some influence inhibiting his willingness to come and say he's an Indian lover, or at least would work with us.

So, in 1986, thirty-three U.S. Senators and the Indians had introduced an amendment to attach to the debt ceiling bill, which was called the Christmas Tree in the 99th Congress. How did this come about? The Internal Revenue Service in 1980 or 1982 was requested by some well known senator as we were told by the Department of Justice, friends who will not allow themselves to be quoted, stated that he (Slade Gordon) went to the Internal Revenue Service, he asked that the IRS attack the treaty rights. Guess what he wanted? Treaty resources reserved by treaty for any tribe that were of commercial value should be taxed, federal income tax. So now we're in that battle. They're saying treaty resources should be taxed, says Bruce Davies (House Ways & Means Committee, Professional Staff). He says "I understand that if we prevail on this Northwest treaty salmon, that we than can tax treaty timber, coal or uranium." And he says, "Up here on the Hill, we believe they should be taxed". That's last year. The end of the waning hours of the 99th Congress.

The Lummi got mad. We burned a couple of boats. Of course, they weren't boats that anybody could fish. But for media purposes, it got a lot of publicity. And we're basically saying, "Wrong, United States, we're not going to give any more, you have taken all you can take, we're not surrendering one boat, we're not surrendering one fish. If you come in here with force, force will be met".

The Senators support continued on into the 100th session of Congress. They introduced a bill in the Senate Select Committee. We have support from Senators Inouye, Adams, Evans, and McCain. These senators all supported us. They all advocated our position. Believe it or not, Ross Swimmer went to the administration and convinced them to support us, and testified on behalf of treaty rights and non-tax status of treaty resources. Now, we have the administration supporting the bill. It (the bill) went through the Senate, Senate bill 727. It's now before the House Parliamentarian. What does it say? It says, "It is not now and it never was, the intent of the United States Congress of the United States to attempt to tax treaty resources."

Now the Lummi tribe, two years ago, had the opportunity to do what we considered a sell out of Indian country. We've got it all. They said, "We can get a bill though real quick that will only stop taxation of the Lummi". We said, "No, we can't do that". They said, "Well, just the Northwest tribes, Washington and Oregon". But we said, "No, we can't do that". The tribes in the Great Lakes area have treaty rights and if we allow one tribe to burn, we'll all burn, not matter what, we still lose. It's got to be a bill that protects all treaty tribes, treaty fishing rights, that have treaty resources that make any income. We sum it up like this: it's as simple as 1,2,3: Article 1, Section 2, Clause 3, United States Constitution, says, "excluding Indians not taxed". It's never been amended. In 1868, 14th amendment under Article 1 excluded us in that amendment under "the subject of jurisdiction thereof". Why are we excluded? Because the U.S. did not have jurisdiction over us, they negotiated treaties. So, that which we retained by those treaties is still alive and well and still included in Section 1. Section 2 still indicates the Indians are excluded from being taxed. We're still not taxable as long as we have Indian tribal governments governing over Indian people and Indian resources, maintaining tribal community relationships. That's our argument and that's what we argued all the way through the United States Senate and we've got the Senate behind us and the president behind us. But, now we're tied up with the House Ways and Means Committee, who wants to review it because it has the word "Tax" and it will go also into the House Interior and Insular Affairs Committee because it's dealing with Indians, Indian rights and Indian treaties. A new bill is being introduced, the House version, tomorrow afternoon.

Don Fixico: Moving right along, our next speaker is Jim Zorn. For two and a half years, he's been the tribal attorney for Lac Courte Oreilles Chippewa. Jim received his undergraduate degree from the University of Notre Dame. He graduated law school from the University of Wisconsin and represents the LCO in the case of LCO v. the State of Wisconsin which is probably more popular now that there's white litigation regarding off-reservation treaty rights.

Jim Zorn: Thank you. First of all, I'd like to extend a welcome on behalf of the Lac Courte Oreilles Tribe and Chairman Gashkibos.

It's a pleasure to be here to speak at the symposium sponsored by NAES.

I don't know if any of you know, but Lac Courte Oreilles also has a Indian community college called the Lac Courte Oreilles Community College and its president, John Anderson, asked that I extend a hearty hello to everyone associated at NAES. I understand that the NAES president, Faith Smith, is also a LCO member so I believe that LCO has some strong ties with NAES, and I am happy to add to that.

I think the LCO tribe in particular owes a debt of gratitude to Jewell and his tribe because my topic will focus on Lake Superior Chippewa treaty rights in Wisconsin specifically and the court case involved really follows on the heels of the Northwest Fishery cases and of the U.S. v. Michigan case up in the Upper Peninsula. I know that as lawyers, we look to the precedents, the legal precedents that have been set in the Northwest, to educate our district judge as to the law that she should apply. As I listened to Jewell speak, I see that the tribes also have a lot of practical lessons to learn. As I go on here, I think you'll see that in Wisconsin at least, in the state government there, we're facing a lot of the same situations that are being faced up in the Northwest and in many degrees our tribal governments, and I speak specifically referring to six Wisconsin Chippewa tribes, are a little less experienced in that type of relationship than are the tribes of the Northwest.

The other thing that I sense in coming in at the end today and not hearing the morning session, I see a common thread here it seems in that the title of this conference is "New Directions in Indian Purpose", but the one thing as we look at the treaty rights cases as case studies in tribal sovereignty, I think you see new directions firmly rooted in tradition. I think the panel today demonstrates that with the representative from Red Lake and also the work that Jewell has done in the Northwest. As I've said, my focus today will be on the off-reservation treaty rights reserved by treaties of 1837 and 1842 to hunt and fish and gather in the ceded territory, basically the northern third of the state of Wisconsin, portions of the Upper Peninsula of Michigan, and portions of Minnesota as well as Lake Superior. I will focus specifically today on the inland aspect of that.

The treaty rights cases I think, especially the ones in Wisconsin, highlight many aspects of tribal sovereignty. From the tribal perspective, the treaty rights cases involve the inherent legal and political authority to regulate matters of internal concern. In particular, as it involves members and resources which members through the tribe are entitled to use. The other aspect that I think the treaty rights really focus on is the idea of reserved rights. There's a common notion out there in non-Indian society, (and I think you might see it down here in Chicago in the press because Wisconsin treaty rights affect Chicago's playground), and this is the notion that these rights are somehow

given to the tribes by courts. You see that out there in the media all the time. It's just not true and that notion must be dispelled and I think that it's conferences like this co-sponsored by state agencies and a tribal college, an Indian college, really go a long way in dispelling that notion.

Treaty rights are among aspects of sovereignty that the tribes have reserved themselves and will jealously and very adamantly hold on to what they have left as you can see from the Red Lake Tribe.

Now from the states' perspective, non-Indian perspective, the treaty rights serve as a constant reminder that tribes indeed are distinct legal and political entities and that they do have legally protectable rights that are different from those other resource users might have. That's a concept that a lot of resource users and non-Indians out there just can't grasp. Whether it's jealousy, racism, what is is I don't know; but despite tremendous efforts of community education, and media attention, many misconceptions persist. Somehow these are special categories of citizens. Non-Indians believe that Indians have special rights, therefore, non-Indians are unequal citizens. So here again, this is another principle of the treaty rights that highlights how it's really incumbent on the tribes to get schools, grade schools, high schools to educate citizens of states as to really the roots of treaty rights and the history behind them.

The other thing I think the Wisconsin case as well as the Northwest Fisheries cases highlight is the idea that there's a lot of people, I think, some on the tribe's side, but mostly on the state or non-Indian side, feel that it's time for some new arrangements. As we all know, the treaty making times have ended. Congress doesn't make treaties. However, they engage in making new "agreements", whatever the heck that means. We've seen examples in Maine and Rhode Island where in various litigations, tribes and the states have worked out some sort of agreement: They go to Congress for ratification, perhaps some money, something. In fact, the governor of Wisconsin, the attorney general and basically, the entire Wisconsin delegation to Congress, both Democrats and Republicans have said, "Look, if that's what you guys want to do, fine, we'll endorse it and we're not going to think abrogation until you go through the process." But still with the implicit threat that if the tribes don't play along, Congress may consider abrogation.

I think the tribes in Wisconsin owe a great deal of gratitude again to Senator Inouye and Congressman Udall because they wrote a letter back to the Wisconsin delegation saying, "Look, the citizens of Wisconsin for over 150 years, have enjoyed the benefits of these treaties and if the tribes are starting to exercise their rights, don't come crying to us. A bargain's a bargain. We in this fine county of ours stand by our word and expect you in Wisconsin to stand by your word." So we got a real strong endorsement of treaty rights, I would say, from the

committees in Congress. It does not stop the Congressional delegation from Wisconsin, however, to encourage this new arrangement.

Now the particular case involved in Wisconsin involves treaties of land cession. The treaties of 1837 and 1842 involve the northern third of the state and faced with expanding settlement pressures, the need for pine timber, the need for minerals and other resources, the U.S. government came to the Chippewa tribes up there and said, "Hey, give us your land and in exchange we'll let you use the land to hunt, fish, and gather." For our purposes, that's what we have to focus on. If you recall history of Indian-federal government relations at the time, that was also a Removal time. So these three land cession treaties were in a sense a compromise because the federal government wanted to get the Chippewa tribe out of Wisconsin and move them to Minnesota. The Chippewa said, "Heck no, we're not going." So they stayed and instead of having a removal treaty or some removal order, they got a treaty whereby they reserved rights which ended up being off-reservation because of the treaty of 1854 which basically reserved lands for the use and benefit of Chippewas for reservations. The Chippewa lifestyle at treaty times really didn't conflict with settlement, the settlements were pretty sparse. The lumbermen came in for the pine, took some ore out from around Lake Superior, but the Chippewas could still have their rather nomadic subsistence lifestyle where they would roam from resource area to resource area, depending upon the season: go where the fish would spawn in the spring, go where the deer would be in the fall, and where the wild rice would be in the fall. So you have distinct subsistence patterns here.

The traditional lifestyle was basically sustained through northern Wisconsin up to the 1920's and the 1930's and still today there's that aspect of Chippewa society. It didn't really conflict with non-Indian society until the early 1970's when a couple of Lac Courte Oreilles members educated by a person in an Indian law course said, "Hey, you guys have rights." So one winter, they took their ice shack out on the lake off-reservation and cut a big hole in the ice and sat there with some spears and were looking for some walleyes or muskies to come by. Lo and behold, the local DNR warden came by and cited them in the state court for violating state fish and game laws. Well, that started the whole legal ball of wax there. The Lac Courte Oreilles tribe commenced an action in federal court in Madison, seeking to enjoin the enforcement of state game laws against tribal members exercising off reservation rights. That was in 1973. In 1983, the 7th Circuit Court of Appeals here in Chicago affirmed that the rights still do exist today and sent the case back to district court for trial and definition of what the rights are and definition of what the scope of state authority is. That's where we're at now. Phase I of the trial defined the scope and content of the right; and to put it quite bluntly, the tribes won big. In February of 1987, Judge Doyle, literally on his death bed, signed his decision from a December, 1985 trial. The decision gave the

Peninsula. And if the tribe doesn't like that, they can go home, but they're not going to get any type of funding. That's problematic within the federal bureaucracy. I mean, if the tribe doesn't like what one of these intertribal commissions are doing, you know, which is really an organization that's subsidiary to the tribe but sometimes assumes a role that is superior to the tribe, they have to like it or lump it. Now that's made more complicated by the fact that the state is also a manager and user of the resources. So it's a shared resource, not only among the tribes but among the tribes and states as well. One interesting aspect that occurs in Wisconsin is that the state is always happy to encourage and foment dissension among the tribes. Intertribal conflict is great, and to be quite frank, that is one of the reasons why Lake Superior has been taken out of this current litigation. Because right now, there's only a few tribes that are using the resources up there and the inland tribes don't know how they want to address that, because if they would take that to trial, they would have to tell those tribes how they wanted to use that resource and tribes just are not ready to fight among themselves right now.

The state system of management and conservation has never accounted for the exercise of rights by an Indian. Therefore, they'd have to revamp the whole system and that is a tough thing to do because that system has been in place to maximize the use for sports fishermen and hunters. Muskies, Inc., National Rifle Association, all those groups are big, big constituents of the Department of Natural Resources. The political system has not been required to accommodate Chippewa hunting and fishing rights off-reservation. That is a big problem for the State. They do not know how to handle the volume of mail they get from the people in northern Wisconsin and elsewhere, crying to high heaven about how nasty this business is up there, how these unequal citizens have all these special privileges.

So basically in northern Wisconsin, we're down to the social and political impact of some sort of conflict. Where it is going, we don't know. We've got the tribes who say, "Hey look, our sovereignty has to be enforced. Our goal is to preserve what sovereignty we have left, what precious little sovereignty we have left, especially in the off-reservation context." And in my somewhat cynical opinion, I think the state's view is somehow to defeat these rights, to simply do away with them and assimilate, that there's just no place for this dual system in modern society. You see a range of reactions to treaty rights from one of support from some people, saying "Hey, look, we understand the law, we understand what happened with Indians, we understand what a treaty means, by golly, it's our word, it's lived by," to one of racism. It's interesting, I had never heard the term, "Timber Niggers" until last spring at a lake in northern Wisconsin called Butternut Lake where spring fishing occurred where Indians could spear in quantities during the spawning season. Well, that's sacrilegious as far as the sports fishermen are concerned. Not only should Indians not do it, but they're taking the biggest and best trophy

walleyes and trophy muskies. There came a couple of nights when over a hundred law enforcement people had to be present. There were finally some non-Indian protesters arrested. The term, "Timber Nigger", was thrown around quite frequently, as was, I guess, a new meaning of the term "DNR", which usually means Department of Natural Resources, as "damn near Redman."

The DNR's response to treaty rights has been somewhat two-faced. On the one hand, they realize the legal obligation to accommodate treaty rights, on the other hand, at the end of a successful season, whereby an agreement was negotiated and all the limits of the agreement were adhered to, the head law enforcement officer will get before the public and say, "Spear fishing will never be accepted in northern Wisconsin". But, wait a minute, didn't we just have this successful season, how can you say we have a duty to protect the spear fishers, for example, and then go out there and foment these people, encourage what I would call neo-KKKism up there? It just amazes me. Groups have come up supporting "equal rights for everyone," (ERFE). It's a real radical fringe. The man who started that group lives a few miles from my house and on his mail box, he didn't have his name, he had a sticker, Equal Rights for Everyone. Well, that group became so radical that even the state political leaders and congressional leaders discounted it and finally he got his name on his mail box and he's kind of out of the picture.

But a new group, a splinter group has come up, it's called PARR, Protect America's Rights and Resources. Again, it's under the guise of equal protection and equal rights. They have more political legitimacy and therefore, they're much more dangerous from the tribes' perspective. The governor of Wisconsin met with them, they held a conference in Wausau, Wisconsin, with a lot of people attending. They specifically excluded any Indians. They had invited Indians, and then disinvited them: a real interesting exercise in a supposedly open membership group. They claim a membership of tens of thousands. What they've done to increase the membership, anybody who's a member of NRA or any group like that is automatically a member of their group so they can go to Congress and say, "We've got 50 thousand members".

The other dynamic is between the tribal-state relations. I guess I focus on this so much because it has to do with sovereignty. Even though tribes in many ways through the treaties have been stripped of their sovereignty as it relates to external affairs, I think the treaty rights in a way reinstitute some sort of a secretary of state function. You have to have a relationship with the state government. And if you do an effective job, you can really protect and preserve your rights. There are many people, including the state government, that claim that the treaty rights are holding the economy of northern Wisconsin hostage. That people do not like to come up there and resort anymore because all the good fish are gone and who wants to be up there in the midst of all this controversy. I think that will turn out to be a self-fulfilling prophesy. If you look at a couple particular

tribes all that they asked for and more. We, as the lawyers in a case, are always more than happy to get so much from the judge. We didn't think he'd be so liberal.

The case is now in Phase II. We have a new judge, Judge Barbara Crabb, very sharp judge. We don't know how she's going to go, if she's going to be sensitive to the issues, but she at least seems to be open-minded and is willing to consider precedents, for example, from the Northwest fishery case. We go to trial on that in March of 1988. Meantime, the state is running scared. The tribes won big, they have the right to commercialize their resources and to an allocation to satisfy their means up to a modest living (the judge didn't define what a modest living is). Resource users and other people are just going nuts in northern Wisconsin. Wisconsin like the Northwest, has also had model of negotiation between the state and tribes. Early on in the litigation, the tribes went to Judge Doyle and said, "Please give us a preliminary injunction so that we can hunt and fish while this case is pending". "No, I want to hear the case all at once," he said. So the tribes and the state sat down and negotiated well over a dozen agreements on a season by season basis which allows them to exercise their rights on a seasonal basis with some restrictions, of course.

What all that means today to the tribes in northern Wisconsin is that sovereignty has been vindicated and now the tribe faces great opportunities with great responsibilities. The discharge of those sovereign powers right now is somewhat problematic with tribes. The institutions of government must be developed, legislative, regulatory, that includes biology, courts, law enforcement. The tribes need to do that themselves. They're in very infant stages, but it's happening. The other aspect of the responsibility, is that the resources must be managed effectively. Because we know Judge Douglas, Justice Douglas of the Supreme Court up in the Northwest Fishery cases somehow came up with this concept that the state's police powers can regulate fishing rights, hunting and fishing rights, to the extent necessary to conserve a particular resource. So the tribes cannot, as the people of northern Wisconsin say they are going to do, rape the resources and leave nothing left for anyone else. So there's that responsibility to manage the resources effectively and exercise their inherent sovereign powers effectively, to regulate the members.

The other aspect of the whole treaty rights concept that's highlighted in Wisconsin is this idea of joint users and managers of the resources. I don't know if this is also faced up in the Northwest, but the Bureau of Indian Affairs right now has decided that in order to discharge its trust responsibility to tribes in the off-reservation treaty context, all they have to do is discharge that on a collective basis. Therefore, we're seeing these intertribal organizations, like the Great Lakes Indian Fish and Wildlife Commission, the Pacific Northwest Fisheries Commission, the Chippewa-Ottawa Fishery Commission up in the Upper

areas of the state and maybe some people from Chicago are familiar with them, the Minocqua-Woodroff where Lac du Flambeau is located, The Lac du Flambeau reservation. And the Hayward area where the Lac Courte Oreilles Reservation is located, those are kind of two key areas of The Chicago-Milwaukee-Minneapolis playground. Over in the Lac du Flambeau area, the citizens have chosen to make it very controversial and have told people over and over, there's no fish, our economy is being destroyed, don't come here. So people don't and then they blame the Indians. In fact, over in Lac du Flambeau, people are so sensitive to tribes that they will not let the Little League teams play the Lac du Flambeau Little League team. It's things like that that draw national attention. In fact, it drew an editorial from a St. Louis paper. Over by Hayward, on the other hand, people tend to down play the fact that there may be some clashes here or some problems. In fact, there's some joint cooperation with the chamber of commerce and things like that. The tribes have a quota and the quota is 20 percent of what everyone else can take. That means that there's 80 percent left. Come and get it. It's yours.

So I guess to some, since I think you want to move on and entertain some questions, the treaty rights right now for the Wisconsin Chippewa are not as much an economic thing. I think they are more of a sovereignty thing. It's more important to the Chippewa tribes in Wisconsin right now to protect and preserve like their ancestors did 150 years ago, through the treaty process. Protect and preserve that for now and for the future. And if you do see any agreements in Wisconsin, any new agreements, I think there's going to be three things that are going to be highlighted. One is that nothing is going to be permanent. If there's one thing that Jewell touched on and I have stressed this over and over with the DNR and its lawyers, is that if you don't talk in good faith, then get out of here. Nothing's permanent and we're going to stick by our word. We reserved those rights permanently. Maybe we'll forbear something if some thing is in it for us; but we're not going to give them up. The other thing is that it's not going to be cheap. If you claim that the northern Wisconsin economy is being held hostage, then isn't the value of those rights the value of the northern Wisconsin economy? So in a way, they're digging their own grave. From a lawyer's perspective, it's fun negotiating at that point. The other element that will always be there is that there's going to be some exercise of the rights no matter what the Chippewas do. Even if they voluntarily cut back in the interest of good neighborliness or whatever you want to call it, good external relations, there is still going to be some exercise. Only in the last five or six years and really the last three years of interim agreements are members beginning to rediscover ways of old, a traditional lifestyle. Fathers and mothers are again teaching their children what life used to be for the Chippewa. So in that sense, the preservation of the treaty rights, I think, to the Wisconsin Chippewas in the fundamental sense is really a way to help preserve the people, its culture, its society and its government, and the sovereignty it has left. Thank you.

Don Fixico: Are there any questions? Okay, let's move on to the next speaker, a friend of mine, George Cornell. George is a Sault Ste. Marie Chippewa. He holds a Ph.D. in American Studies from Michigan State University. He's presently assistant professor and also director of the Native American Institute at Michigan State University.

George Cornell: Thank you, Don. Are you folks getting the impression that this is a real complex topic? You've been listening to a lot of things and I think what I'd like to do is that I'm going to shift gears a little bit. My particular experience is in the State of Michigan. I spent approximately five years of my life representing Michigan Indian tribes involved in the litigation; Bay Mills Indian Community, Grand Traverse Ottawa and Sault Ste. Marie Chippewa Indians. On the public relations front, I was, for about five years, somewhat of a circuit rider. I want to point out that my actions were always sanctioned by the tribes I spoke on behalf of. I'm going to approach this whole notion of traditional subsistence. What is traditional subsistence in the modern world anyway? We've got a topic in and of itself if you want to talk about that for a while, because things have changed over time. We need to keep that in mind. I'm going to focus some time talking about controversy and my involvement, what I saw and what the outcome was, what the implications were for Michigan Indians. So I'm going to shift gears just a little bit here.

A little demographic background: Currently there are about sixty thousand Indians residing in the state of Michigan. That's the largest population of Indians residing east of the Mississippi River, which most people don't realize. Michigan also is in a very precarious location. People don't come through Michigan going anywhere else. You have to make a special trip to Michigan, right? I mean, if you go south, you go to Chicago, if you go north, you go to Canada. I mean, you don't make a special trip to Michigan. Because of that, the geographic location of the populations in the state, we have been somewhat isolated. We've been off the beaten path. I think that's important too. But on to the controversy, I want to talk about some of the implications of the controversy, because often we get caught up in law, litigation and we forget to think about the real consequences that people pay when they are involved in a controversy, whether it be on the northwest coast, Jewell I know you're familiar with and you're all familiar with what I'm going to talk about, but I think it's worth talking about for awhile. Because there are some strategies, I think, that we need to pay attention to, to better represent ourselves on the public relations front in the future.

During the fishing rights controversy in the state of Michigan, I don't have any problem admitting it publicly, I was one po'd character. I was not happy. Many of my discussions and debates with DNR officials, the Director of the Michigan United Conservationists Club, a person by the name of Tom Washington, now

that organization (here's an important point, it relates back to what you said Jim, too), MUCC, represents 100,000 people in the state of Michigan. They have very strong political constituency, 100,000 voters and in this state, that's not much of an inflated figure, that's a fairly realistic figure in the state of Michigan, Michigan being a fairly populous state. When you contrast that to 60,000 Indians resident in the state, politicians know where their bread is buttered, so that's a beginning point. But our relationship with the state going into the litigation was very adversarial. It was "we" and "they". And it took a long time, approximately 13 years, well over 13 years, for the twain to come together and meet, in terms of a resolution to the controversy.

So often we find ourselves talking about reinforcing sovereignty. That's the reality of the litigation at the level of the court, but I found myself sitting here and thinking, "Well, tell the little kid from Peshawbestown in the Leelanau Peninsula who is eight years old and who has just had his nose bloodied because his old man is a gill net fisherman, that he's just reinforced sovereignty and see if that little bugger cares one bit about it." It's true, isn't it? It really is when you begin to think about it. That's important without a question. Reinforcing sovereignty is the important outcome of all these controversies relating to fishing, resource utilization, but we have to remember that during these controversies, there are real crises to bear. As an example, out of the 60,000 population of Indians in the state of Michigan, only 200 individuals were involved with the commercial fishing. So, in essence, if you even added their families up and their extended families, we have about 59,000 Indians in the state of Michigan who are being scapegoated on the issue. And that's one of the reasons why I say that in the future, in terms of our future efforts on resource issues, what we really need is that we need to spend some time to think and to strategize how we're going to represent our communities and the types of information that we're going to put out there. It goes back to one of Don's initial comments, the need for public education.

As a strategy throughout the controversy and just very quickly, our controversy in terms of litigation went back to 1930. We had an Indian individual from Keweenaw Bay by the name of Chosa, who decided to go to state court to reaffirm fishing rights. That didn't work out in the state court in 1930. Of course, it wasn't going to work out in 1930. Now the case resurfaced in 1971 in state court again. By the mid-seventies, Abe Le Blanc in the Bay Mills Indian community was also in state court and the case was reaffirmed by the state supreme court but now it was also in Federal District court in Grand Rapids in western Michigan. In 1979, Judge Fox finally issued the now famous Fox decision, along with the Boldt decision. In 1981, the United States Supreme court denies cert on the case allowing the court's appeal decision to stand. That brings us up to 1983 when there was allocation issue which you heard people mention too. In 1983, the tribes were going back to court on the allocation issue.

The respective percentage of fish to be allocated, allocated to non-Indians and Indian users in the Great Lakes region. That was settled by a special mediator who came into the state of Michigan and achieved a negotiated settlement. But my point here is: all that took approximately 13 or 14 years, and you want to know what the real outcome was for the rest of the Michigan Indians, while these issues were being litigated? We didn't access one congressional appropriation from the United States government; we didn't access any state services or programs except on a very minimal level. So in terms of controversy, I think it's real important to balance the grand victory of "we have reinforced sovereignty" off with the cost for communities.

It's not until this current budget year that Michigan Indians have broken back into federal appropriations. That's been 14 years, folks. And we were talking earlier, Jewell, about Norm Dix, one of the congressmen that people in the state of Washington, tribes in particular, have an excellent relationship with. Norm Dix is obviously a supporter of the tribes and you mentioned your 3.2 hatchery program, 3.2 million dollars. Those things are possible, but you have to realize going into litigation, number one, it's going to take you a long period of time. The Wisconsin case, in some respects, the shortness, the duration of it is astounding in many ways. The precedents are in place so that things can be litigated a little quicker, but if you're going into litigation, you need to know that there are some real costs involved with it. I think that's important, you've got to know that right up front.

One of the other things that I mentioned earlier that I really want to talk about for a few minutes, is the fact that whether it be in the state of Washington, and I've many of the materials that they've published in defense of the fisheries, their enhancement programs, their hatchery programs, I've seen their little facts book and some of the other things that come out of the Northwest. We need to do a ton more on the public relations front. In Michigan we have done a poor job of defending ourselves, our issues. By and large, when you examine the allegations of those people whether it be PARR, whether it be up on the Northwest Coast, whether it be MUCC in the state of Michigan, when you examine the allegations that these people are making against Indian communities, Indian tribes and Indian fishery, or resource utilization practices, the fact of the matter is that their charges and allegations don't stand in the light of day. They never have. It's been my experience, and I've debated the former Director of the Department of Natural Resources, Director of the Michigan Land Conservationist Club. As a matter of fact, one of the things I was really proud about was that I called Tom Washington a liar on television and didn't get sued. For the simple reason that the man could never support any of the contentions that he was making about Indians and resource utilization.

As many of the other speakers have said earlier here, we've

got a lot of people looking over our shoulders, in terms of how we utilize resources, and that's why I think it's so good to hear about the successes in the enhancement programs in the Northwest, and the fact that people in northern Wisconsin are reiterating the same resource orientation that we've had as people across this continent for many centuries. The fact of the matter is that when we transferred the resources to non-Indian populations, as history will document, the continent was in pretty good shape. That says that we have some competency in the area in terms of resource management, resource utilization or what people today would call conservation. We have a tradition of that as indigenous peoples across the continent. One of the things that we have to do is that we have to take that message to people publicly and popularly.

I don't know about you, but I'm one of those types of people that doesn't like to be scapegoated on any issue. So again, I would really call for an increased effort on the public relations front. We need more people writing things down that we've heard articulated here today. Most people don't know about the great success of the Northwest tribes and their fisheries enhancements, fishery enhancement programs. I'm sure I heard them say that you're providing resources to non-Indians all up and down the coast, from California all the way to Alaska. People commonly don't know that. We need people who are going to spend time assisting communities on the public relations front, because if there is an area, while we've been busy reinforcing sovereignty, we have fallen down on, that's defending ourselves on the issues as a community, as a people.

The consequences, as I said, of litigation are not always positive. One of my favorite bumper stickers from the state of Michigan was "Save a laker, spear an Indian." That was really one of my favorites whenever I'd read it on a car going up north or someplace else. The fact of the matter is that we need to take time out as people, concerned people in communities. We need to sit down and we need to strategize. We need to put our ideas together and we need to think about how we're going to represent ourselves on the public front.

If I can take a few further minutes and share a few of the things in the state of Michigan I think you might find them interesting, but I also think they're viable strategies. A little historical background on the state of Michigan: Michigan became a state in 1837. Not by coincidence, the major land cession treaty in the state of Michigan was the 1836 Treaty of Washington. It was that particular treaty that allowed the state of Michigan to come into being in January, 1837. Without that treaty, Michigan could not have become a state. This sesquicentennial year in the state of Michigan, we are celebrating 150 years. So it's not only the constitution, but a 150 years of statehood. So it's a very interesting year in the state of Michigan. One of the things we decided to do since it was our cession of lands, our ceding of lands to the United States federal government in 1836 that

allowed Michigan to become a state in 1837, we decided to look at non-Indian resource utilization patterns in the intervening 150 years.

You know what we found, folks? (Sol's laughing, that's great, he knows what we found.) The fact of the matter was the Great Lakes were over-fished by non-Indian fishermen. White-tailed deer, in terms of the market hunting, and the elk and the moose that resided in the state were over-hunted by non-Indian commercial hunters, market hunters. There were some Indians involved in that, in all fairness, we need to state that. The fact of the matter is that outside of Petoskey, Michigan in 1878, the last great nesting of passenger pigeons occurred outside of Petoskey.Isn't that a great bit of Michigan memorabilia to surface during the sesquicentennial year? Hey, in 150 years, we exterminated the passenger pigeon as part of our environmental history.

Well, what we did was really take a look at the non-Indian use of resources. And, you know what folks? All of a sudden people became more willing to moderate their position on the fact that Indians were commercially fishing on the Great Lakes waters, using gill nets. When they had to confront their own resource patterns in contrast to the resource utilization patterns of Indians over a very lengthy historical period of time, there was no debate. As I said, in 1878, and this is one of my favorite examples when I go up to talk to conservation organizations or sportsmens' organizations and I talk about this, that in 1878 when they were clubbing, shooting and netting, that was the last great nesting of passenger pigeons that was witnessed on the face of the earth. They glutted all of the markets, the non-Indian pigeon hunters and there were some Indians involved, but the markets were controlled by and large by non-Indian populations at that period of time. They glutted every major market in the United States until the people wouldn't buy the pigeons any longer, but they kept killing them. And you know what they did with the surplus? This is a stroke of brilliance. They fed them to their hogs. Think about that one. They fed the surplus pigeons to their hogs. As a consequence, not one of us will ever see one of those birds again. The fact of the matter is that our resource utilization patterns didn't operate that way. And history will bear it out, if we take the time to use some of that information in defense of our own communities. The fact of the matter is when we popularize, and we dug out non-Indian resource utilization patterns historically, people didn't have a real big problem with us taking about 3 percent of the designated sports fish out of Michigan waters with gill nets. That really worked to be a moderating factor.

So I'll close by just reiterating again, I think that work on the public relations front is something that we need to get much better at in the future and I think it's something that we need to spend a lot of time thinking about and developing strategies because it's also been my experience that whether it be in terms of reinforcing sovereignty or on the public relations front, if we

don't defend our own communities, no one else will. So thank you for your time.

Don Fixico: You've all been sitting there very patiently. We'll take about 3 or 4 minutes to stand up and then we'll start again. We'll take a little break and then come back for questions and answers.

Don Fixico: At this time I would like to re-introduce the members of the panel. On the end is Don Allery, George Cornell, then Jewell James, Jim Zorn, and myself. So let's open then to discussion. Are there any questions?

Linda Powless: For the man from Red Lake, I wanted to ask of him, to what he attributes the position on gaming.

Don Allery: It seems like Red Lake is the only tribe in the country that is willing to speak out against these various gaming bills that are being pushed in Congress. For some reason the states want to control tribal bingo or gaming operations. The federal government stepped in. They're going to push for legislation that will create some sort of commission. I don't think very many of the tribes in the country have even examined those bills. But really it's authorization of a federal income tax on tribal per capita payments: it takes away the right of Indian tribes to regulate their own economic development. It authorizes an external commission to impose fines and penalties for alleged violations of commission regulations. It authorizes a politically appointed chairman of the commission to arbitrarily approve tribal contracts and tribal ordinances or anything else that is developed by tribal authorities. And it will also prohibit the tribe from placing into trust status any land acquired after enactment of this legislation. And the bottom line is that it's going to require tribes to pay for all this. It imposes up to 5% of the total amount taken in by these bingos for tribes to pay for this commission to regulate it.

Chairman Jourdain and couple other people are the only ones that I know of that have really testified in opposition because they see the apparent danger of it. Back when the idea first came up in '83, I believe, John Fritz was Acting Assistant Secretary of Indian Affairs and he pos d this idea to tribes and they took off with it. Jourdain said that he warned them then again about falling into the legal entrapment of federal legislation that would take away or destroy many of the rights they had remaining. And he's still carrying on that battle. As I said, he testified in the Senate and he was the only one out of some 20 people who spoke in opposition to it. And I suspect the same thing is going to happen on Thursday when they hear it in the House.

Don Fixico: Other questions?

Alice Spott-Gajewski: Who are the people to contact here in Chicago, so we can get involved in these kind of issues?

George Cornell: Sid Yates would be a good place to start, since every Indian appropriation that goes before the US Congress originates in his House sub-committee. A staffer who works for Sid

Yates is a woman by the name of Kathy Johnson (and Jewell knows exactly what I'm talking about and some other people do too). That committee and Kathy Johnson in particular working for Sid Yates have enormous power in terms of tribes breaking into the federal budget or supporting issues that are already in the budget. It's really correspondence to Yates that is imperative on particular programs because (and somebody else might want to comment) this is a tough year to break into the federal budget.

The President sent out a very unrealistic budget to the Congress and now, if you listen to the news, the President is blaming spending on Congress and not on the fact the President sent down an inadequate budget a number of months ago to fund the existing programs in the United States. So these are very hard decisions that are made in Washington, and I know tribes, in particular it's all BIA #638 contract tribes, would welcome supporters of Sid Yates on particular projects. That would be one thing you could do.

The other thing I think is really important. You know that there's the politics of real life in Indian affairs, on the other hand there's a tremendous need to develop and publish not only curriculum materials but on issues. Some of the things I just brought up, I mean, it's an informational war out there. Michigan Indian Legal Services at one period of time, and this goes back summer of 1981, prepared information regarding fishing rights on Michigan Indians. Any kind of materials that can be developed on issues that can assist people and communities in representing themselves, I think it is a very worthwhile activity. We need to spend more time thinking about what we're going to do, how we're going to defend ourselves, by compiling the material ourselves. We really can't allow other people to do that for us. It takes a team. It takes people with professional skills who have the ability to work together to produce materials like that. We really can make a difference.

Jewell, you might have something to say on this. I've seen some of your materials. Have you noticed any kind of moderating effect with materials out there on fisheries?

Jewell James: In regards to public education, there's direct benefit to reaching out and trying to sway the opponent to be reasonable. There's two formulas, E over I and I over E. Most of the people that are involved in hunting and fishing are going to respond on an emotional scale, and it's going to control their intelligence. We're getting involved in movements that advocate "kill an Indian, save a deer" and "save a pike, spear an Indian," you name it. All of the emotionalism that's put into that type can be the energy that can be taken away by planning, public relations campaigns that can bring the parties together.

In the Pacific Northwest, we had to wrestle with that issue. The Lummi Tribe responded E/I instead of I/E; instead of letting our logic control our emotions, we allowed our emotions to control

our logic. right away we said, "Well, those sportsmen aren't going to do that. We're not going to raise any steelhead fish, ha, ha, ha." So we stopped raising our steelhead in order to get back at the sportsmen, and in consequence our people got mad. We all of a sudden, created a void of steelhead coming back for a couple of years there. Well, we realized after a time that no, that doesn't work out. And the other tribes were also jumping on the same ship. They also sat back and said, no this E/I stuff is not working, so what can we do?

Well they went out and they said, "Well, wait now, sportsmen, you should realize you're getting a lot of benefits from our hatcheries. Why don't you come on out and just look at out hatchery operation. Why don't you just come out and look at the statistics. Bring in your biologists, your scientists, bring in anybody you want and you can have them review the information. You'll find that we are extremely cost effective. It's feasible to work with us. And as a consequence all of us are going to win. You're going to have fish. We're all going to have fish. There'll be more fish back in the environment. There'll be repopulating; it's like an investment in the bank. We're all going to generate a lot of interest in it in the end, if we work together." In the beginning, using the bank analogy, we all went in and tried to pull out our share. And the consequence was that none of us had any interest coming back.

So those types of programs were considered, of course the strategy of the tribes, the fisheries commissions; as well as individual tribes went out of their way to attend some of the sportsmens' meetings, sharing some statistics and data and offering to do additional research finding information that might help increase their understanding as to why they have to clean a stream. Cleaner streams were the result of this PR campaign. In Salt Creek, a local community just off the reservation, they were throwing old junk, bicycles, cans, clippings, down into the Creek. The Creek has been basically dead for years, decades. And all of a sudden people start saying well what are these people talking about, these poor communities, these commercial fishermen, these Indians? And they went down and looked into their own backyard and found out that they're contributing to the problem. Even though they were a hippie community and they thought that they were working with us, they found out that they were working against all of us because they were counterproductive by allowing a part of their community to go neglected or actually live a part of a destroying chain. They went in and replanted. First of all they cleaned it up: They took out all the garbage, planted clean gravel, and washed out the trash. We helped them, gave them more information about the biology of the project, how they could manage it. They went out and replanted it and now after 4 years, there's salmon going back, and the environment's restored itself. So, that was the result of public relations.

North of us, in another part of the state, Blaine citizens did the same thing. The local community responded to the media.

Positive media coverage instead of the anti-Indian press that's usually coming out. There were a few projects that were being mentioned and people started questioning themselves in regards to "are they a participant or are they counter-productive?". They went out again and restored a local creek. Both these communities guard their projects very jealously. There are those people who were damming the waters, that got the attention of citizens willing to acknowledge their community and participate in public hearings, in regards to local, municipal, or county regulations that might affect the water quality or the stream flow. Bellingham (it's a municipality) got the youth to clean a stream. And they had this facility going unused. They went in, cleaned it out and turned it into a hatchery program. Now they're trying to clean up the stream that goes right through the city and feeds the hatchery. Now the local community is saying what is the run off, what is the mess? Why did the parking lot go right to the edge of the stream? What is our obligation? How can we participate to stop such damaging acts? How can we keep the stream clean?

So, as it concerns public relations and as the result of the controversy, people are paying attention and so there's like a common community consciousness evolving. By working together there's some benefit. There's more benefit if we operate I over E instead of E over I. (I/E = intelligence controls emotions versus E/I = emotions control intelligence).

In regards to the past issue, the fishing rights bill, if you have any ideas in regards to how to participate in monitoring what your congressmen are doing, it would be appreciated. Dan Rostenkowski is very influential. He does what he wants. All right, we will need pressures on him, up until voting time. Whether we like it or not the representatives do not always pay attention. When we came up a couple months ago, we asked if there were any connections with NAES College, we've got support here, now the Citizens Alert or Chicago National Indian Lutheran Board, Northern Illinois Conference and Mayor Washington's Office are helping. Now we all need to participate and put the pressure on both Marty Russo and Phillip Crain, Illinois Representatives. If you know some way of circulating letters, or at least calling or a note to your representative or the representative in the district next door. Dropping them a line helps, because then they know that people are aware of it.

Jim Zorn: If I could say a couple of things from Northern Wisconsin's perspective. Since it's somewhar of a playground for Chicagoans to come to, I think the approach in the curriculum in the schools, especially grade school and high schools is important. As an example, I grew up about 80 miles from the Lac Courte Oreilles reservation. I didn't know throughout grade school/high school that it even existed. What a ludicrous situation. I knew that the Lac du Flambeau reservation existed because I drove through there going to Minocqua. I think that there's a lot that can be done and I see that the conference today is co-sponsored by the Illinois State Board of Education I think

that if we're educators, get on the State Department of Education, find out what is being done in the schools and educate them about tribal sovereignty. That's how you overcome ignorance. To give you a particular example, I don't know here what angle you're coming from in education or media or whatever, but there is an instructor in a small Northern Wisconsin town that's starting to develop curriculum in this area.

The other aspect is the media. There's a fellow by the name of, I think, John Stoddard, from WBBM, brought a crew up there and wanted to talk to me. He only wanted to hear a couple basic things: "Do not fish", etc. But there are public service announcements available, for example, on the Wisconsin situation from the Great Lakes Fish and Wildlife Commission. If there's a local group, if somebody's interested, they can buy the time. It can solve the problem if it goes on. Somehow, we can educate the media. We had a report involving a Duluth paper once. The way he approached it was, "Well, look, how can I tell my son that he can't do what you Indian people can do?" Well, look, if you are going to interview a tribal chairman, you better figure out, you better know a little bit yourself about the background. So that, I guess what I'm saying is that you are going to educate the media to do away with the editorial bias, this is what is takes. A couple of local TV. stations in their positions, in the way they present things, it's inherently slanted, forget it.

So I guess in the Chicago area if you get the people who use that area up there, educated early on (and this is a long process, you're talking a long time). So I think you've got to start working with the department of public education whatever, in the school. And then in the media there's a lot of tourism type stuff so a public service type announcement really helps.

George Cornell: I think that the research is real important as part of that agenda. A couple of years ago through Michigan State University we did a study of the Bay Mills and Sault Ste. Marie economies and their impact. We did a study and we found out that those two private communities with one Indian Health Service bring 10 million dollars, fresh dollars into the eastern end of the Upper Peninsula in the State of Michigan. Spending patterns of those Indian communities support 1,200 non-Indian jobs. Whoa! Right? 1,200 non-Indian jobs are contingent on the spending patterns of Indians in the eastern end of the Upper Peninsula. Now I was talking to Ray Fogleson about that earlier. That's not something that people haven't known for years, but how we used it is the question. In the state of Michigan after we had conducted the study; what we did, we went to the Michigan Department of Commerce and we said "Hey, we're supporting 1,200 non-Indian jobs in the eastern end of the Upper Peninsula. And you know what, Department of Commerce, you haven't done a darn thing for us. Now we can sit down and talk about that". And as a consequence, right now, through support of Michigan State Department of Commerce, we've just completed creation of an area development office and a small business center that are going to work with Indian tribes,

individuals and communities in terms of business formation in the state of Michigan. That entire project now is coming out of the Michigan Department of Congress. so it's not only a matter of generating research but it's again taking the time to strategize it, to think about how we're going to use it. We really need to do that more frequently.

Jim Zorn: George, that's a scientific approach. At L.C.O. one time what they did was issue all payroll checks, community checks and other things in 2 dollar bills. Then people know that's where the money came from.

George Cornell: 2 dollar bills, we do that too. Now the casinos, the Sault tribes' casino in Bay Mills, at least, the Grand Traverse Band, used to pay in 2 dollar bills and there were two dollar bills all over It doesn't take long for the local population to realize where that 2 dollar bill came from.

Jewell James: I know that on the Lummi reservation the fishing industry alone has a multiple effect of about 50 million dollars; that is, of the fish harvested by the fishermen. This is the expressed value of what the fisherman takes home, beyond his gross. This gross goes out to be multiplied in the local community and its dependent industries, - they sell us nets, they sell us food, they sell us gas; there is all kind of catering around it by little stores. As soon as the fishing season is over, they don't want us around. And they're doing everything they can to add and mark up all the commodities that we buy during the fishing season.

But we know the multiplier value of the annual harvest-whether it's 10 or 15 million-there is multiplier on the local county that surrounds the reservation and it's 3.8 right now. That is our economic impact, just from our tribe alone in the county. With regards to the state, it's 7 times. There's a very large impact in regards to local worth. And right now the county's kind of like stepping back because we're doing two things: one, it's taken us years to buy land that is on the tidal front of our reservation. We were landlocked because the Bureau of Indian Affairs on behalf of us and our little children sold all the beachfront property. So last year we were able to buy beachfront property for the first time since the treaties, since the BIA came around, I guess. We have access over the land to build a processing plant. And all industries know that the Lummi fleet is the competitive edge that allows them to compete within that fishing industry first as regards the salmon and then as regards the international market. All of a sudden, all of the tribe's salmon may be going through the Lummi tribe first. And our people are very loyal: they know who to depend on. They have long memories and our fleet does come back, as shown by our study. In the long term, we will have a processing plant, we have a couple years. We're going to have that fleet and their product when we get the processing plant.

Don Fixico: That was one question. Is there another question?

Linda Powless: Earlier you mentioned bingo income. Does it pay?

Don Fixico: I think it probably does. It's setting an important trend. It's essentially a business venture but it's the business venture that's amplified by the media, and certainly because of the amount of dollars involved. I think it's the beginning of a trend. I think it will initiate other business ventures and the tribes will become more economic-oriented than they have been.

Linda Powless: When you use the word "trend" how are you using that word? You mean it goes in and out, or it is a start?

Don Fixico: That it is a start. Yes. First time.

Linda Powless: If it's so big and things could change (this being in the history, how quickly laws are passed, things are changed, economic ventures on the reservation are changed) do you think it's a stable income, are people needing it for that for another 10-15 years? Does anyone have any ideas?

Don Fixico: The problem with that is (and George may want to elucidate too) in some areas, like Thlopthlocco town, there's an oversaturation of bingo. And I talked about circumference areas this morning; there's an overlap so that the tribes compete with each other, when they should be competing with the non-Indian. Well, I think economics have improved to some extent with the bingo operation, so that the tribes should be cognizant of that, and I'm sure that they are, so therefore, they're branching out into other areas.

George Cornell: I think the other fear, and your use of the word "phase", I think is very appropriate. People talked about it for a long time. Who says the states aren't going to legalize and take their limits off it? I mean, people have talked about that a long period of time. Michigan City and Detroit right now would love to have a casino game. They have been advocating it in the state legislature and in such a high population density area, Chicago could probably do it in this state in some period of time. There's so many politicians in the state legislature from a high density area like this, demographically, that if they get a bug in their ear about gaming and they want to legalize gaming in their community, because they have so much power in the state government, they can almost hold funding on any project or any group throughout the state and end up with gaming. And so some people have talked about it as a phase that way too.

I think the idea out there is (and this is the position of the reservation economic summit in Anaheim, California in February this year) to diversify tribal economies. Don't put all your eggs in one basket. Gaming is working well but use your money wisely and some of the other things that if you did watch the video-tape, you saw that over the lunch period there, that's really caught on across country is the wise use, wise utilization and investment of claims settlements. One of our tribes in

Saginaw, Chippewa, just received a 10, no it was 9.8, 9.8 million dollar settlement. What they did was they formed a trust. They had invested principal: they will pay per capita out of the interest, and since per capita have been paid they're still going to have a trust of over 10 million dollars. What was really interesting was watching the consulting firms and in particular the financial institution beating a path to their door, local banks, investment companies; they have a 10 million dollar trust. That's tribal diversification. They're not just counting on bingo proceeds and casino proceeds to ensure the economic future of the community.

Sharon Taylor: Has the LCO tribe thought of investing their claim money?

Jim Zorn: You mean for the per capita claim? All I can say is there are about 3 areas as tribal attorney I don't like to get involved with: elections, government, and distribution. There's a tussle on the way right now at LCO. I think you're from there, right? And as you know the current constitution has been imposed since 1956. There's been membership criteria laid down but there's been no structure set up in the tribal governing board to implement any of that at all.

There are people who sent in applications from 20 years ago and they can't find them. There's a real tussle going on because there's a lot of people who just want...who like saying "Boy, he's good!, putting $100 in his pocket or anything you've got". The other side saying "Look, ..if you do what George said, set aside some of it out, use what we want. The days of federal 'Golden Goose' out there are gone. And the Golden Goose that lays the golden egg in Washington is not going to be there, we might as well do things ourselves, be self-sufficient."

It's a real big debate right now. And it's one I wouldn't even venture into, it goes into the roots of the tribe. I think it would take another, some people are saying 6 months, I'd say 12 months to 2 years before anything can be done.

George Cornell: I'm going to PR that issue for a minute if I can, the formation of tribal trust. It took us a long time in the state of Michigan to get that idea out and discuss it with people. But it's a good idea because it's much like this whole notion of reinforcing sovereignty every time you win a case. I mean we only have finite resources in our communities. Many of you I'm sure are tied to dockets that are going to be paid some time in the future through the Claims Commission. The wise utilization of that money is very common sensical because it's like reinforcing sovereignty, it's something that can carry people forward into the future. I mean you can have your cake and eat it too. You can get paid per capita on a decreasing age scale. Pay your elders first in the first year of the investment program, the second year you keep paying people down. You know, even those kids who aren't born yet.

It's like the old Sioux benefit. Some of you are familiar with Sioux benefit. There's still a program in effect now that's set up that's got to be close to a turn of the century, wasn't it, or before? Yes, before the turn of the century. So this is not a new idea. The Lakota did it before the turn of the 20th century, and it's just a wise utilization of resources. You know the fact is if you had a kid who's not even born yet, or you're thinking about it right, right? Maybe in a number of years down the road....And then you're thinking about making babies, but the fact of the matter is that you can provide that child with a start. That seems to be much in line with the philosophy that's been part of our communities for years, that kind of thinking. And here's an opportunity too. For me, it's just a cut and dry kind of decision.

Ojibwe Man: I am curious as to whether you have the same kind of controversies in Minnesota, Wisconsin, Michigan that we have in Northwestern Ontario regarding the exploitation of natural resources, i.e. wild rice. There's a great controversy in northwestern Ontario over traditional people who moose, harvest rice off-season. And the so called progressives who harvest rice just for themselves. Do you people have the same kind of issues?

Jim Zorn: Yes, in Wisconsin we definitely do. As I alluded to in the general discussion earlier, in the 6 plaintiff tribes from the state of Wisconsin, (there's Keweenaw Bay and a few others from Michigan who are also signatory to the treaty), you get a wide variation of views. For example there's one particular tribal leader who told me once at a spearing negotiation session, there are some of our people who firmly believe that large walleyes contain a spirit. So he personally had a hard time going and getting with other tribes. And when it comes time to discuss new arrangements for how people are going to work out the future of the tribe, I think those type of intertribal differences are going to become more, we'll highlight it more, let's put it that way. And that's very problematic, I think, because of relations in the tribe. It's even more problematic in relationship with the State because then comes the private economies.

Don Fixico: Other questions?

Flo Wiger: I would like to say to all of you that this has been one of the most informative, instructive experiences I have had in terms of the whole issue of sovereignty and land rights. It crystallized a number of things, that those of us who are not tied in on continual basis with those issues, even though we're aware of them and we pay attention to them. Frequently living in the urban areas or being a part of other structures does not allow us the kind of information that we need to be able to do the kind of PR job to be able to do the kind of educational programs.... I mean I wish there was some kind of way that we could clone that and just send it off. I think that it has been absolutely tremendous in terms of the information and knowledge base that you have shared with us and you have had allowed us to have coming out

here.

Don Fixico: If there are no other questions...

Don Allery: Well I on the other hand would really like to commend NAES and the people who came here, to put this together. I think these are, I agree with you, I think this is the kind of thing that has to happen all over. Particularly when we're getting so many Indian students into higher education. They've got to have the understanding when they do go out to work in the Bureau or Attorney General's and all those, that they will have some basis of understanding. Just recently Red Lake won a really important court case on their saw mill. The judge agreed and all the opposing attorneys agreed that it was the right decision. The judge said that if it had been a non-Indian...if it wasn't a government operation, if it had been a regular business operation, he would have them all in jail. The young Indian attorney who was working on the other side raised a technical point, so it's back in court. (Laughter!) So you know, now back in the circuit court.

I really think we need more of these from different perspectives, and a much closer relationship with tribes in terms of how they envision education of their students.

George Cornell: You know there are a lot of other issues out there that we talked about this afternoon; fishing and other controversies.

I tend to think many of them are Indian issues. Going back to your question what do people do locally, in public relations. You know the fish that come out of the water here in Chicago are the same fish that come out of the same Lake to the East--Lake Michigan. It really makes me very angry at times that maybe as people in terms of our community dynamics and politics, and we always find ourselves having to hurry up and respond to issues that are confronting our communities.

I think I'd like to see segments of our communities get involved in just some old fashioned "good for people" issues, water quality for the Great Lakes being one of them. Here we're going through our fishing rights or finishing up the fishing rights controversy in the state of Michigan. The fact of the matter is that the Department of Natural Resources put a warning on the consumption of all those fish. That women of child-bearing age shouldn't eat ANY fish that come out of Southern Lake Michigan. That's a problem that confronts all of us, not just Indians and Indian communities and tribal fisheries. That's a problem that confronts all citizens. I think those are the kind of issues we need work on together in communities.

There are a lot of issues out there that relate to the quality of life for Indian communities and non-Indians residing in perspective states, and I think it's those kind of issues that can promote cooperation between peoples and enhance understanding and,

really, in the long run have had a positive impact on the quality of life for Indian people in their communities.

Jewell James: I find strength in three quotes. One--I'm not only Lummi--but Lummi is where I live--I kind of guide myself by three quotes and one's paraphrased from the Suquamish chief everybody knows as Chief Seattle. As Chief Seattle warned the U.S., warned the territorial government, warned the people that were listening, that their children will be lying in their own waste. Look at the way that generation contaminates the environment now. But, he also left a message for the tribes and this paraphrase we walked with last year when we were lobbying all the tribes nationwide to work together, for unity, and the paraphrase was placed on what is called the telephone hot line card for all of our fishermen. We print the cards every year and they go to thousands and thousands of fisherman. It's a concept of unity and it says:

Tribe follows tribe
Nation follows nation
Like waves of the Sea
For that is the nature of things
We shall wait and see,
We may be brothers after all.

So we've used the quote to guide ourselves in regards to our outlook to other tribes. Even when we had to surrender our own personal interest or privacy at that time. It's a concept that we use as a guide.

Another one that's still good; Cohen, 1953, I think left a riddle for us and one that everybody could think about when they're reading in this year in the celebration of the bicentennial of the Constitution, to find individuals within their tribe and members of their community who can help them plan for long term interests in making their government better; where do they think their children should be as members of the western hemisphere's Indians, as members of the form of government that now exists in 1987. "Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere. Our treatment of the American Indian, even more than our treatment of other minorities reflects the rise and fall of our democratic faith." I think we are all exploring that. I think tribes nationwide are trying to figure out who are we, what we are and where are we going, and what legacy will we leave for our children. They're searching, they're searching their souls as leaders and they're searching for input from members and individuals of their communities.

Last one is, and I like quoting it, Chief Oren Lyons, I think he's Keeper of the Faith now, of the Iroquois Confederacy. He says, "Show me a nation that negotiates treaties with its own citizens and I'll show you a nation that cannot stand. A nation does not negotiate treaties with its own." And he says that in reference to Indian tribes as sovereign nations.

Jim Zorn: I think I just have a few points. A lot of these points I guess have been stated by others in different ways. The first point relates to both Indians and non-Indians alike and it's the value of (I spoke of treaty rights, so I'm going to stick to treaty rights this time) it is the value of treaty rights beyond specific content, beyond specific issues, to the tribal members. We've had an interesting experience in Northern Wisconsin and I think a lot of the states did. When the federal government decided to look for sites for radioactive waste depositories, the treaties protected the state, both on-reservation treaty rights and off-reservation treaty rights, and there were two sites listed up there. The fact that the tribes were able to participate on par basis with the state government complicated the whole process; people didn't want to deal with it. So therefore the states that have Indian tribes have an advantage in that conflict. So like George said, it's time to get to the real issues, the acid rain, the mercury contamination of the fish that are involved, those issues that face all of us, and put the differences aside, let everybody take the resources they are entitled to, follow Felix Cohen's advice, put them aside, and let's work on the real problems we face.

The last points are more related to more specific tribal conflict. And I think Jewell's discussion kind of touched on this point. As an outsider coming to work for an Indian tribe, I'm constantly impressed by what I would term the precarious position that tribal leadership finds itself in. The decisions for example that modern day Chippewa leaders face, the decisions they must make with respect to these treaty rights, I view as very much akin to the decisions that were made in 1837, 1842 and 1854 when the prime Wisconsin Chippewa treaties were negotiated. The leadership assumes this cape of the ancestors before them and the descendants after them and I don't know if anyone paid me a hundred million dollars if I would assume that. That is such a sacred trust.

And the third point is related to that. I don't know if tribal membership understands that tribal leadership is entrusted with that, and what leadership goes through. The example that Jewell mentioned about shutting down the hatchery or whatever; it seemed like a good thing before you hurt your own people. There's the reaction. These types of issues, George touched upon this and Don from Red Lake, really require community involvement, really require membership involvement from the bottom up. Because I've seen a lot in a short two years--and a lot of people that have been involved a lot longer than I have. In my short 2 1/2 years at Lac Courte Oreilles, I've seen a lot of tribal leaders who deeply care about their people and about the community of Indian nations in the country. They're trying to do the best job they can. But I sense that in many ways that membership is not participating in that decision making process in the way it should. And so, after all is said and done, and after the lawyers involved maybe have been a factor in winning something in court, it's a tiger by the tail concept. Right now I know the Wisconsin

tribes, they have it. But what do they have to do with it? It's a big decision, one that can't be taken lightly. It does not help matters that the state and everybody else is complicating them. It really is time for a lot of internal reflection and unity.

Don Fixico: Jesse Ben will close the conference, but prior to that, I would like to express thanks to the audience for coming today, and also to NAES College for having this conference put together. It creates a forum for discussing important matters like the ones that were raised today. And also the funding agencies that were involved, the Illinois Humanities Council, the Illinois State Board of Education, the Joyce Foundation and the Field Museum of Natural History.

Jesse Ben: I'd like to ask everyone to stand please and I'd like to ask everyone to pray silently as I pray asking for us l ing in the room here to have the understanding and the strength to deal with these matters that were discussed here today. I will be praying in my own language (Choctaw).

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